

**DEPARTMENT OF THE TREASURY**

**31 CFR Subtitles A and B**

**Semiannual Agenda and Fiscal Year 2012 Regulatory Plan**

**AGENCY:** Department of the Treasury.

**ACTION:** Semiannual regulatory agenda and annual regulatory plan.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order (EO) 12866 "Regulatory Planning and Review," which require the publication by the Department of a semiannual agenda of regulations. EO 12866 also requires the publication by the Department of a regulatory plan for the upcoming fiscal year.

**FOR FURTHER INFORMATION CONTACT:** The Agency contact identified in the item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review. For this edition of the regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** publication that includes the Unified Agenda.

Beginning with the fall 2007 edition, the Internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov), in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility

agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years.

The semiannual agenda and The Regulatory Plan of the Department of the Treasury conform to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

**Dated: September 9, 2011.**

**NAME: Brian J. Sonfield,**  
*Deputy Assistant General Counsel for  
General Law and Regulation.*

### Financial Crimes Enforcement Network—Completed Actions

Sequence	Title	Regulation
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Number		Identifier Number
425	Amendment to the Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access	1506–AB07

#### Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
426	Return Preparer Competency Examination User Fee	1545–BK24
427	Special Rules Under the Additional Medicare Tax	1545–BK54

#### Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
428	Indoor Tanning Services; Cosmetic Services Excise Taxes	1545–BJ40
429	Modification of Treasury Regulations Pursuant to Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act <b>(Section 610 Review)</b>	1545–BK27

#### Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
430	User Fees Relating to Enrolled Agents and Enrolled Retirement Plan Agents	1545–BJ65

<b>Department of the Treasury (TREAS)</b>	<b>Completed Actions</b>
<b>Financial Crimes Enforcement Network (FINCEN)</b>	

**425. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS—DEFINITIONS AND OTHER REGULATIONS RELATING TO PREPAID ACCESS**

**Legal Authority:** 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5314; 31 USC 5316 to 5332

**Abstract:** The Financial Crimes Enforcement Network (FinCEN), a bureau of the Department of the Treasury (Treasury), is proposing to revise the Bank Secrecy Act (BSA) regulations applicable to Money Services Businesses to include stored value or prepaid access. In this proposed rulemaking, we are reviewing the stored value/prepaid access regulatory framework with a focus on developing appropriate BSA regulatory oversight without impeding continued development of the industry, as well as improving the ability of FinCEN, other regulators and law enforcement to safeguard the U.S. financial system from the abuses of terrorist financing, money laundering, and other financial crimes.

The proposed changes are intended to address regulatory gaps that have resulted from the proliferation of prepaid innovations over the last 10 years and their increasing use as an accepted payment method. If these gaps are not addressed, there is increased potential for the use of prepaid access as a means for furthering money laundering, terrorist financing, and other illicit transactions through the financial system. This would significantly undermine many of the efforts previously taken by government and industry to safeguard the financial system through the application of BSA requirements to other areas of the financial sector.

While seeking to address vulnerabilities existing currently in the prepaid industry, FinCEN also intends for this proposed rule to provide the necessary flexibility to address new developments in technology, markets, and consumer behavior. This is important, in order to avoid creating artificial limits on a

mechanism that can be an avenue to meet the financial services needs of the unbanked and the underbanked.

This rule proposes to subject certain providers of prepaid access to a comprehensive BSA regime. To make BSA reports and records valuable and meaningful, the proposed changes impose obligations on the party within any given prepaid access transaction chain with predominant oversight and control, as well as others in a unique position to provide meaningful information to regulators and law enforcement. More specifically, the proposed changes include the following: (1) Renaming “stored value” as “prepaid access” and defining that term; (2) deleting the terms “issuer and redeemer” of stored value; (3) imposing registration, suspicious activity reporting, and customer information recordkeeping requirements on providers of prepaid access, and new transactional recordkeeping requirements on both providers and sellers of prepaid access; and (4) exempting certain categories of prepaid access products and services posing lower risks of money laundering and terrorist financing from certain requirements.

FinCEN recognizes that the Credit CARD Act of 2009 mandated the increased regulation of prepaid access, as well as the consideration of the issue of international transport, and we will address these mandates, either through regulatory text or solicitation of comment in this rulemaking. In the course of our regulatory research into the operation of the prepaid industry, we have encountered a number of distinct issues, such as the appropriate obligations of payment networks and financial transparency at the borders, and we anticipate future rulemakings in these areas. We will seek to phase in any additional requirements, however, as the most prudent course of action for an evolving segment of the money services business (MSB) community.

**Completed:**

<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	07/29/11	76 FR 45403
Final Action Effective	09/27/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Elizabeth Baltierra

Phone: 703 905–5132

Email: elizabeth.baltierra@fincen.gov

Koko (Nettie) Ives

Phone: 202 354–6014

Email: koko.ives@fincen.gov

**RIN:** 1506–AB07

**BILLING CODE 4830–01–S**

<b>Department of the Treasury (TREAS)</b>	<b>Proposed Rule Stage</b>
<b>Internal Revenue Service (IRS)</b>	

**426. • RETURN PREPARER COMPETENCY EXAMINATION USER FEE**

**Legal Authority:** 26 USC 7805; 31 USC 9701

**Abstract:** This regulatory action proposes to establish a user fee to take the registered tax return preparer competency examination and a user fee to be fingerprinted based upon participation in the preparer tax identification number, acceptance agents, or authorized e-file provider programs.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	12/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Emily M. Lesniak, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Room 5137, Washington, DC 20224

Phone: 202 622–4570

Fax: 202 622–4500

Email: emily.m.lesniak@irsounsel.treas.gov

**RIN:** 1545–BK24

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**427. • SPECIAL RULES UNDER THE ADDITIONAL MEDICARE TAX**

**Legal Authority:** 26 USC 3101; 26 USC 3102; 26 USC 6402; 26 USC 1401; 26 USC 6011; 26 USC 6205; 26 USC 6413; 26 USC 3111; 26 USC 3121; 26 USC 7805

**Abstract:** Proposed amendments of sections 31.3101, 31.3102, 31.3111, 31.3121, 1.1401, 31.6205, 31.6011, 31.6205, 31.6402, and 31.6413 of the Employment Tax Regulations provide guidance for employers and employees relating to the implementation of the Additional Medicare Tax, as enacted by the Affordable Care Act, and correction procedures for errors related to the Additional Medicare Tax.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sydney L. Gernstein, Attorney–Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Room 4311, Washington, DC 20224

Phone: 202 622–8473

Fax: 202 622–5697

Email: [sydney.l.gernstein@irsounsel.treas.gov](mailto:sydney.l.gernstein@irsounsel.treas.gov)

Ligeia M. Donis, General Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Room 4312, Washington, DC 20224

Phone: 202 622–0047

Fax: 202 622–5697

Email: [ligeia.m.donis@irsounsel.treas.gov](mailto:ligeia.m.donis@irsounsel.treas.gov)

**RIN:** 1545–BK54

<b>Department of the Treasury (TREAS)</b>	<b>Final Rule Stage</b>
<b>Internal Revenue Service (IRS)</b>	

**428. INDOOR TANNING SERVICES; COSMETIC SERVICES EXCISE TAXES**

**Legal Authority:** 26 USC 6302(c); 26 USC 5000B; 26 USC 7805

**Abstract:** Proposed regulations provide guidance on the indoor tanning services tax made by the Patient Protection and Affordable Care Act of 2010, affecting users and providers of indoor tanning services.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/10	75 FR 33740
NPRM Comment Period End	09/13/10	
Public Hearing – 10/11/2011	03/03/11	76 FR 76677
Outlines of Topics Due	09/28/11	
Final Action	06/00/12	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael H. Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Room 5314, Washington, DC 20224

Phone: 202 622–3130

Fax: 202 622–4537

Email: michael.h.beker@irsounsel.treas.gov

**RIN:** 1545–BJ40

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**429. • MODIFICATION OF TREASURY REGULATIONS PURSUANT TO SECTION 939A OF THE DODD–FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT (SECTION 610 REVIEW)**

**Legal Authority:** 26 USC 7805

**Abstract:** The proposed regulations modify Treasury regulations to remove any reference to, or requirements of reliance on, credit ratings in such regulations and substitute in their place other standards of creditworthiness that the Treasury determines to be appropriate for such regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/11	76 FR 39341
NPRM Comment Period End	08/30/11	



Final Action	06/00/12	
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**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Arturo Estrada, Attorney–Advisor, Department of the Treasury, Internal Revenue

Service, 1111 Constitution Avenue NW., Washington, DC 20224

Phone: 202 622–3900

**RIN:** 1545–BK27

<b>Department of the Treasury (TREAS)</b>	<b>Completed Actions</b>
<b>Internal Revenue Service (IRS)</b>	

**430. USER FEES RELATING TO ENROLLED AGENTS AND ENROLLED RETIREMENT PLAN**

**AGENTS**

**Legal Authority:** 31 USC 9701

**Abstract:** These proposed regulations update and separate the user fees regarding enrolled agents and enrolled retirement plan agents. These regulations also impose user fees to take the competency examination to become a registered tax return preparer and to provide continuing education programs.

**Completed:**

<b>Reason</b>	<b>Date</b>	<b>FR Cite</b>
Final Action Completed by TD 9523	04/19/11	76 FR 21805

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Emily M. Lesniak

Phone: 202 622–4570

Fax: 202 622–4500

Email: emily.m.lesniak@irsounsel.treas.gov

**RIN:** 1545–BJ65

[FR Doc. Filed 12–16–11; 8:45 am]

**BILLING CODE 4830–01–S**

**[FR Doc. 2012-1654 Filed 02/10/2012 at 8:45 am; Publication Date: 02/13/2012]**