



Federal Register

**Monday,
April 26, 2010**

Part XIII

**Department of the
Treasury**

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the provisions of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order 12866 (“Regulatory Planning and Review”), which require the publication by the Department of a semiannual agenda of regulations.

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 agency review. Beginning with the fall 2007 edition, the Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov and 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 agendas 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) Any rule that has 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. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Dated: February 26, 2010.

Richard G. Lepley,
Deputy Assistant General Counsel for General Law and Regulation.

Financial Crimes Enforcement Network—Proposed Rule Stage

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

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
261	S.A.F.E. Mortgage Licensing Act	1557–AD23

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
262	Interagency Proposal for Model Privacy Form Under the Gramm-Leach-Bliley Act	1557–AC80

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
263	Regulations Governing Practice Before the IRS—Tax Return Preparers	1545–BJ17

Department of the Treasury (TREAS)
Financial Crimes Enforcement Network (FINCEN)

Proposed Rule Stage

260. • 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 crime.

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.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1506-AB07

BILLING CODE 4810-33-S

Department of the Treasury (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

261. S.A.F.E. MORTGAGE LICENSING ACT

Legal Authority: 12 USC 1 et seq; 12 USC 29; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 1828(o); 12 USC 3331 et seq

Abstract: These regulations implement the Federal registration requirement imposed by the S.A.F.E. Mortgage Licensing Act, title V of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289, 122 Stat. 2654 (2008))

with respect to national banks and their operating subsidiaries. They are being issued by the OCC, FRB, FDIC, OTS, NCUA, and Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/09/09	74 FR 27386
NPRM Comment Period End	07/09/09	
Final Action	05/00/10	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1557-AD23

Department of the Treasury (TREAS)
Comptroller of the Currency (OCC)

Completed Actions**262. INTERAGENCY PROPOSAL FOR MODEL PRIVACY FORM UNDER THE GRAMM-LEACH-BLILEY ACT**

Legal Authority: 12 USC 93a; 15 USC 6801 et seq

Abstract: Pursuant to section 728 of the Financial Services Regulatory Relief Act, the OCC, FRB, FDIC, OTS, NCUA, FTC, CFTC, and SEC jointly amended their rules that implement sections 502

and 503 of the Gramm-Leach-Bliley Act to allow financial institutions to provide a safe harbor model privacy form and remove the sample clauses contained in these rules as of December 1, 2011.

Completed:

Reason	Date	FR Cite
Final Action	12/01/09	74 FR 62890
Final Action Effective	12/31/09	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1557-AC80

BILLING CODE 4830-01-S

Department of the Treasury (TREAS)
Internal Revenue Service (IRS)

Proposed Rule Stage**263. • REGULATIONS GOVERNING PRACTICE BEFORE THE IRS—TAX RETURN PREPARERS**

Legal Authority: 31 USC 330

Abstract: These proposed regulations modify the general standards of practice for tax return preparers under Circular 230.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Yes

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RIN: 1545-BJ17

[FR Doc. 2010-8939 Filed 04-23-10; 8:45 am]

BILLING CODE 4830-01-S