

ACTION: Cancellation of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed amendments to the regulations on user fees for the special enrollment examinations for enrolled agents and enrolled retirement plan agents.

DATES: The public hearing, originally scheduled for Tuesday, November 23, 2021 at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Regina Johnson of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 317-5177 (not a toll-free number) or at publichearings@irs.gov.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Wednesday, September 29, 2021 (86 FR 53893) announced that a public hearing to be held by teleconference was scheduled for Tuesday, November 23, 2021 at 10:00 a.m. The subject of the public hearing is under section 9701 of Title 31 of the United States Code.

The public comment period for these regulations expired on November 15, 2021. The notice of proposed rulemaking and notice of hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be discussed. Requests to speak and outlines were due on November 15, 2021. As of the end of the day on November 15, 2021, no one requested to speak. Therefore, the public hearing scheduled for November 23, 2021 at 10:00 a.m. is cancelled.

Oluwafunmilayo A. Taylor,

Branch Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration).

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DEPARTMENT OF THE TREASURY

31 CFR Part 16

Program Fraud Civil Remedies

AGENCY: Departmental Offices, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking would update the definition of “investigating official” in the Department’s Program Fraud regulations. The definition would be revised to include inspectors general

that have been established since the Program Fraud regulations were implemented.

DATES: *Comment due date:* January 7, 2022.

ADDRESSES: Please submit comments electronically through the *Federal eRulemaking Portal*: <https://www.regulations.gov>. Comments can be mailed to: Office of the General Counsel, General Law, Ethics & Regulation, 1500 Pennsylvania Avenue NW, Washington, DC 20220, *ATTN:* Program Fraud Proposed Rule. Because postal mail may be subject to processing delay, it is recommended that comments be submitted electronically.

In general, comments received will be posted on <https://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Brian Sonfield, Assistant General Counsel for General Law, Ethics & Regulation at (202) 622-9804.

SUPPLEMENTARY INFORMATION:

Background

The Department promulgated implementing regulations for the Program Fraud Civil Remedies Act of 1986 (Act) (31 U.S.C. 3801 through 3812) on September 17, 1987 (52 FR 35071). The Act generally provides that any person who knowingly submits a false claim or statement to the Federal Government may be liable for an administrative civil penalty for each false claim or statement, and, in certain cases, to an assessment equal to double the amount falsely claimed.

The Act vests authority to investigate allegations of liability under its provisions in an agency’s investigating official. Based upon the results of an investigation, the agency reviewing official determines, with the concurrence of the Attorney General, whether to refer the matter to a presiding officer for an administrative hearing. Any penalty or assessment imposed under the Act may be collected by the Attorney General, through the filing of a civil action, or by offsetting amounts other than tax refunds, owed the particular party by the federal government.

The Act grants agency investigating officials authority to require by subpoena the production of

documentary evidence which is “not otherwise reasonably available.” If the case proceeds to hearing, the presiding officer may require the attendance and testimony of witnesses as well as the production of documentary evidence.

The Department of the Treasury adopted implementing regulations at 31 CFR part 16, which designated the Department’s Assistant Secretary for Management as the authority head, designated the Department’s Inspector General as the investigating official, and assigned the role of reviewing official to the General Counsel or designee.

This Proposed Rule

This proposed rule would revise the definition of investigating official in § 16.2. Since the regulations were promulgated in 1987, three inspectors general have been established including the Treasury Inspector General for Tax Administration (See Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206, 112 Stat. 685), the Special Inspector General for the Troubled Asset Relief Program (See Emergency Economic Stabilization Act of 2008, Pub. L. 110-343, 122 Stat. 3765), and the Special Inspector General for Pandemic Recovery (See Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, 134 Stat. 281). The proposed revision would define investigating official as any Inspector General, including any Special Inspector General, with investigatory authority over programs of the Department of the Treasury.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires agencies to prepare an initial regulatory flexibility analysis (IRFA) to determine the economic impact of the rule on small entities. A small entity is defined as either a small business, a small organization, or a small governmental jurisdiction; an individual is not a small entity. Section 605(b) of the RFA allows an agency to prepare a certification in lieu of an IRFA if the rule will not have a significant economic impact on a substantial number of small entities. Pursuant to 5 U.S.C. 605(b), it is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The proposed rule is limited to updating the definition of investigating official for program fraud investigations in order to reflect current law. Accordingly, this rule, if finalized, will have no direct impacts on small entities. Notwithstanding this certification, the Department invites comments on the

impact this rule would have on small entities.

Regulatory Planning and Review

Executive Orders 13563 and 12866 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a “significant regulatory action” under Executive Order 12866.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a rule that includes any federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. This regulation does not include any federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

Federalism

Executive Order 13132 (titled Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law, within the meaning of the Executive order.

List of Subjects in 31 CFR Part 16

Administrative practice and procedure, Fraud, Investigations, Organizations and functions (Government agencies), Penalties.

For the reasons stated in the preamble, the Department of the Treasury proposes to amend 31 CFR part 16 as follows:

PART 16—REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 31 U.S.C. 3801–3812.

■ 2. In § 16.2, revise the definition of “Investigating official” to read as follows:

§ 16.2 Definitions.

* * * * *

Investigating official means any Inspector General, including any Special Inspector General, with investigatory authority over programs of the Department of the Treasury, as applicable.

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Laurie Schaffer,

Acting General Counsel.

[FR Doc. 2021–25345 Filed 11–22–21; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 294

RIN 0596–AD51

Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska

AGENCY: Forest Service, (Agriculture) USDA.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: On January 20, 2021, President Biden ordered all executive departments and agencies to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations during the last 4 years that may conflict with protecting the environment, and to immediately commence work to confront the climate crisis (Executive Order 13990). In addition, on January 26, 2021, President Biden directed all Federal agencies to review tribal consultation policies and practices and recommit to more robust nation-to-nation relationships and respect for our Federal trust responsibilities. Consistent with these Presidential directives, the U.S. Department of Agriculture (USDA or Department), proposes to repeal a final rule promulgated in 2020 that exempted the Tongass National Forest (Tongass or the Forest) from the 2001 Roadless Area Conservation Rule (2001 Roadless Rule).

The 2001 Roadless Rule prohibited timber harvest and road construction or reconstruction within designated Inventoried Roadless Areas, with limited exceptions. Repealing the Subpart E exemption would reinstate application of the 2001 Roadless Rule to the Tongass (as provided for in the U.S. District Court for the District of Alaska’s Judgment in *Organized Village of Kake v. USDA*. USDA invites written comments on the proposed rule and associated documents. Substantive comments received during the comment period will be considered in developing the final rule.

DATES: Written comments must be received or postmarked by January 24, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Preferred:* Federal eRulemaking Portal www.regulations.gov.
- *Mail:* Alaska Roadless Rule, USDA Forest Service, P.O. Box 21628, Juneau, Alaska 99802–1628.
- *Hand Delivery/Courier:* Alaska Roadless Rule, USDA Forest Service, 709 W 9th Street, Juneau, Alaska 99802.
- *Email:* sm.fs.akrdlessrule@usda.gov.

All comments received will be posted to www.regulations.gov, including any personal information provided. The public may inspect comments received at www.regulations.gov. Do not submit any information you consider to be private, Confidential Business Information (CBI), or other information, the disclosure of which is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Joe Krueger, Interdisciplinary Team Leader, at 202–649–1189. Individuals using telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Information Relay Services at 1–800–877–8339, 24 hours a day, every day of the year, including holidays. You may also review information related to this rulemaking at the following website: www.fs.usda.gov/project/?project=60904.

SUPPLEMENTARY INFORMATION:

Background

The Tongass is 16.7 million acres and stretches roughly 500 miles northwest from Ketchikan to Yakutat, Alaska. It includes approximately 80 percent of the land area in Southeast Alaska. The Southeast Alaska region has about 75,000 people living in more than 30 towns and villages located in and around the Forest, most of which are located on islands or along the narrow coastal strip. The Tongass supports thriving ecosystems that provide food security, as well as cultural, spiritual,