

Thank you for the opportunity to comment on the request submitted by the Department of the Treasury (the "Agency") for renewal of authorization for information collection on FinCEN Form 114, the Report of Foreign Bank and Financial Accounts ("FBAR").

I have included comments on a personal banking situation at the end of this commentary.

As other public commentators have commented, the FBAR Information Collection is:

- **Unnecessary** given the Secretary's authority to adjust reporting under 31 U.S. Code § 5314(b);
- **Does not serve any practical utility** given the lack of indicia of suspicious activity associated with maintaining financial accounts where one resides;
- **Poses an undue burden** given the disparate impact on Americans abroad, who have an inherent need to maintain multiple such accounts, in comparison to U.S. residents, whose ownership of or financial interest in a foreign account would be unusual and rarely a necessity.
- **Inherently stigmatizing** because accounts essential for daily life are reported to Treasury's Financial Crimes Enforcement Network, giving filers a feeling of implied guilt.

The disparate impact of this information collection on Americans abroad, and the failure of the Agency to explain how it has used the collected information, **are sufficient grounds for the OMB Director to disapprove the renewal of authorization pursuant to 44 USC §3507(h)(2) and instruct the Agency to undertake a rulemaking to establish a more proportionate, better targeted, more transparent, and more effective collection of information.**

The public comments that were collected in the current request, like public comments collected in 2021 and 2019, **do not support the necessity and practical utility of the information collection**, or that the burden on the impacted public (primarily Americans residing outside the United States) is reasonable.

- **FBAR information collection is unnecessary for U.S. persons living abroad due to the low reporting threshold**, the clear need for Americans abroad to maintain local accounts in their country of residence, and the redundancy of the information reported with FATCA data also collected by the Treasury.

- **FBAR information collection is burdensome for U.S. persons living abroad**, due to the effort required to determine maximum annual balances, the cost of hiring professional assistance to support the filing, and the excessive penalty for filing errors.
- **Modifications to FBAR regulations are recommended**, including adjusting the reporting threshold for inflation, eliminating duplicative reporting, expanding reporting exceptions, updating the instructions to reflect the Supreme Court's ruling in Bittner vs. United States, etc.
- **Exemptions should be provided for U.S. persons living abroad.**
- **Estimates of the time to complete the FBAR are inaccurate** because they do not take into account the number of accounts typically maintained by an ordinary person living abroad or the time required to determine the maximum value of each account.

Public opinion is crystal clear in stating that **this Information Collection is in urgent need of a complete overhaul** to reduce the public paperwork burden. In addition, **unambiguous signals are coming from within the government that this Information Collection is in need of revision** and that there is substantial ability for the Agency to reduce the public paperwork burden.

OMB should exercise its authority under 44 USC §3507(h)(2) to disapprove the renewal of authorization.

An additional personal note: as required under my country of residence's laws, I am obliged to have 2 bank accounts: one for my personal banking, and a second account for my freelance work. They are both "off shore", or in other words, **local to my residence**. That also means that if I don't report even small transfers between accounts (again, for me, local accounts), I am potentially liable to be charged with a federal felony of money laundering. That is absurd, burdensome, stigmatizing and absolutely unnecessary.

Thank you for your attention.