

FBAR & FATCA Suggestions – April 2024

I encourage the **Department of Treasury** to proactively work with **Congress** to **support** honest **Americans** (with constructive relationships abroad that **contribute to world stability**) by **removing needless administrative burden** and to tax US expats the same way as all other nations.

The current US Treasury reporting requirements for financial accounts abroad **are NOT consistent** with the agency's **mission & violate *The Paperwork Reduction Act***. Please consider these points:

1. **CREATE A “PROFIT FOR PURPOSE” EXEMPTION.**
2. **CREATE AN “OLDER US PERSONS” EXEMPTION.**
3. **FORM 8930 MAKES FBAR OBSOLETE.**
4. **BANK LOCKOUTS DEVASTATING TO AMERICANS’ WELLBEING.**
5. **REPORTING BURDEN GREATLY UNDER-STATED.**

Here is more on each of these points:

1. **CREATE A “PROFIT FOR PURPOSE” EXEMPTION.**

US person directors of “**profit for purpose**” entities **should be exempt** from FBAR & FATCA reporting irrespective of where they personally reside (in US & abroad), in addition to the entities themselves (irrespective of where those entities are incorporated & operate, or at least a group of “whitelisted” countries).

It is quite ironic that **FBAR & FATCA damage American’s ability to help!** The simple-minded FBAR & FATCA “one size fits all” reporting concept is vastly counter-productive. These entities’ missions reduce government spending burdens to address profound problems.

I donate my time to encourage entities to adopt & run “**profit for purpose**” **models**, which are called B-corps or Benefit Corps in some US states and go by various names internationally, such as impact, sustainable & responsible corporate governance / investing.

FBAR & FATCA are making the good intentions of well-meaning Americans in the US & abroad overly exhausting -- to the extent that many simply stop trying to help. This is bad for the US & bad for the world.

2. CREATE AN “OLDER US PERSONS” EXEMPTION.

FBAR & FATCA are particularly **discriminatory to older Americans!**

US Persons over 60 years old should be **exempt** from both FBAR & FATCA reporting, irrespective of where they reside.

It is particularly outrageous that my country of birth (US) is **frustrating me from contributing my decades of wisdom at the Board of Directors’ level** to entities trying to address some of the most serious problems the US & the world has faced in centuries.

My limited time could much better be used to address profound civilization-level problems rather than wasted on FBAR & FATCA reporting requirements.

3. FORM 8930 MAKES FBAR OBSOLETE.

The FBAR is clearly obsolete. Its legitimate goals are addressed with the more recently introduced Form 8938, which should also have the exemptions mentioned above. The FBAR program is a **waste of US tax dollars** and my time & money.

To quote the Reginfo dot gov website (that I am submitting this comment on): *“The Paperwork Reduction Act requires that agency information collections **minimize duplication** and **burden** on the public, have practical utility, and support the proper performance of the agency's mission.”*

Commonsense demands that FBAR program be immediately discontinued and that the exemptions above be implemented for Form 8930.

4. BANK LOCKOUTS DEVASTATING TO AMERICANS’ WELLBEING.

Banks outside the US routinely & unilaterally refuse to provide accounts / services to Americans abroad due to FBAR & FATCA.

Historically, banks that have accepted Americans abroad now see FATCA reporting for the vast majority of these American clients as overly burdensome and have **unilaterally CLOSED accounts of Americans living or working abroad.**

This can be devastating to Americans living and/or working abroad of all ages!

This happened to me. It took me a full year to recover after having a non-US bank close all the accounts of the companies that I donate my time to manage, which have a **social benefit purpose.**

This damaged my personal health! And this cost over \$200,000 in management time to recover & left some entities needing to consider ceasing operations and/or excluding me from further helping them.

5. REPORTING BURDEN GREATLY UNDER-STATED.

FBAR & FATCA program compliance burden is **greatly understated**.

And for **well-meaning Americans active abroad** it is an **utter waste** of valuable management **time, adds unnecessary stress & additional burdensome accounting** costs without contributing to the FBAR nor FATCA programs stated goals.

The **burden estimates** that the Treasury Department and even some well-meaning public advocacy groups publish are **grossly inaccurate** for those with active international relationships, because these **far too low** estimates narrowly focus only on the form submittal, not the programs' profound negative implications for **well-meaning Americans active abroad**.

Every year, the **banks** abroad where I am a signatory **routinely make bank FATCA reporting errors**. They submit FATCA reports that misconstrue me as having a financial interest, which is extremely time-consuming & stressful to request banks to have their FATCA submittals corrected to match my submitted FBARs. This **paper-chase** is **waste of everyone's time!**

I cannot even tell if bank reports have actually been corrected by the banks! And if I press them too far, I risk them simply closing those accounts – again which has happened to me (as describe above) with catastrophic results.

NO self-service online **platform exists** to allow me to **determine the banks' reporting accuracy**, such as what these banks have reported for me, to whom they reported, their privacy & fraud protections, when reports were made and certainly **no way to correct their mistakes!** Add in the language & currency differences, and the burden skyrockets.

Thank you for taking the time to consider & act on these points!