

International Tax Planning Committee

Materials on:

**TF F 90-22.1 Report of Foreign Bank and Financial Accounts
(the “FBAR”)**

American Bar Association, Section of Real Property, Trust & Estate Law

20th Annual Spring Symposia

Income and Transfer Tax Planning Group- Hot Topics Roundtable

April 30, 2009

Table of Contents

1. FBAR Form and Instructions
2. IRS FAQs on the FBAR

TD F 90-22.1(Rev. October 2008)
Department of the TreasuryDo not use previous editions of
this form after
December 31, 2008**REPORT OF FOREIGN BANK
AND FINANCIAL ACCOUNTS**

Do NOT file with your Federal Tax Return

OMB No. 1545-2038

1 This Report is for Calendar
Year Ended 12/31Amended **Part I Filer Information**

2 Type of Filer

a Individual b Partnership c Corporation d Consolidated e Fiduciary or Other—Enter type _____

3 U.S. Taxpayer Identification Number

4 Foreign identification (Complete only if item 3 is not applicable.)

If filer has no U.S. Identification
Number complete Item 4.a Type: Passport Other _____

b Number _____ c Country of Issue _____

5 Individual's Date of Birth
MM/DD/YYYY

6 Last Name or Organization Name

7 First Name

8 Middle Initial

9 Address (Number, Street, and Apt. or Suite No.)

10 City

11 State

12 Zip/Postal Code

13 Country

14 Does the filer have a financial interest in 25 or more financial accounts?

 Yes If "Yes" enter total number of accounts _____

(If "Yes" is checked, do not complete Part II or Part III, but retain records of this information)

 No**Part II Information on Financial Account(s) Owned Separately**

15 Maximum value of account during calendar year reported

16 Type of account a Bank b Securities c Other—Enter type below

17 Name of Financial Institution in which account is held

18 Account number or other designation

19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held

20 City

21 State, if known

22 Zip/Postal Code, if known

23 Country

Signature

44 Filer Signature

45 Filer Title, if not reporting a personal account

46 Date (MM/DD/YYYY)

File this form with: U.S. Department of the Treasury, P.O. Box 32621, Detroit, MI 48232-0621

This form should be used to report a financial interest in, signature authority, or other authority over one or more financial accounts in foreign countries, as required by the Department of the Treasury Regulations (31 CFR 103). No report is required if the aggregate value of the accounts did not exceed \$10,000. **See Instructions For Definitions.****PRIVACY ACT AND PAPERWORK REDUCTION ACT NOTICE**

Pursuant to the requirements of Public Law 93-579 (Privacy Act of 1974), notice is hereby given that the authority to collect information on TD F 90-22.1 in accordance with 5 USC 552a (e) is Public Law 91-508; 31 USC 5314; 5 USC 301; 31 CFR 103.

The principal purpose for collecting the information is to assure maintenance of reports where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The information collected may be provided to those officers and employees of any constituent unit of the Department of the Treasury who have a need for the records in the performance of their duties. The records may be referred to any other department or agency of the United States upon the request of the head of such department or agency for use in a criminal, tax, or regulatory investigation or proceeding. The information collected may also be provided to appropriate state, local, and foreign law enforcement and regulatory personnel in the performance of their official duties. Disclosure of this information is mandatory. Civil and criminal penalties, including in certain circumstances a fine of not more than \$500,000 and imprisonment of not more than five years, are provided for failure to file a report, supply information, and for filing a false or fraudulent report. Disclosure of the Social Security number is mandatory. The authority to collect is 31 CFR 103. The Social Security number will be used as a means to identify the individual who files the report.

The estimated average burden associated with this collection of information is 20 minutes per respondent or record keeper, depending on individual circumstances. Comments regarding the accuracy of this burden estimate, and suggestions for reducing the burden should be directed to the Internal Revenue Service, Bank Secrecy Act Policy, 5000 Ellin Road C-3-242, Lanham MD 20706.

Part II Continued—Information on Financial Account(s) Owned Separately

Form TD F 90-22.1

Complete a Separate Block for Each Account Owned Separately

Page Number

This side can be copied as many times as necessary in order to provide information on all accounts.

___ of ___

1 Filing for calendar year ____ ____ ____ ____	3-4 Check appropriate Identification Number <input type="checkbox"/> Taxpayer Identification Number <input type="checkbox"/> Foreign Identification Number Enter identification number here:	6 Last Name or Organization Name	
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country

Part III Information on Financial Account(s) Owned Jointly

Form TD F 90-22.1

Page Number

___ of ___

Complete a Separate Block for Each Account Owned Jointly

This side can be copied as many times as necessary in order to provide information on all accounts.

1 Filing for calendar year ___ ___ ___ ___	3-4 Check appropriate Identification Number <input type="checkbox"/> Taxpayer Identification Number <input type="checkbox"/> Foreign Identification Number Enter identification number here:	6 Last Name or Organization Name	
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
24 Number of joint owners for this account		25 Taxpayer Identification Number of principal joint owner, if known. See instructions	
26 Last Name or Organization Name of principal joint owner		27 First Name of principal joint owner, if known	28 Middle initial, if known
29 Address (Number, Street, Suite or Apartment) of principal joint owner, if known			
30 City, if known	31 State, if known	32 Zip/Postal Code, if known	33 Country, if known
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
24 Number of joint owners for this account		25 Taxpayer Identification Number of principal joint owner, if known. See instructions	
26 Last Name or Organization Name of principal joint owner		27 First Name of principal joint owner, if known	28 Middle initial, if known
29 Address (Number, Street, Suite or Apartment) of principal joint owner, if known			
30 City, if known	31 State, if known	32 Zip/Postal Code, if known	33 Country, if known
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
24 Number of joint owners for this account		25 Taxpayer Identification Number of principal joint owner, if known. See instructions	
26 Last Name or Organization Name of principal joint owner		27 First Name of principal joint owner, if known	28 Middle initial, if known
29 Address (Number, Street, Suite or Apartment) of principal joint owner, if known			
30 City, if known	31 State, if known	32 Zip/Postal Code, if known	33 Country, if known

Part IV Information on Financial Account(s) Where Filer has Signature or Other Authority but No Financial Interest in the Account(s)

Form TD F 90-22.1

Page Number

___ of ___

Complete a Separate Block for Each Account

This side can be copied as many times as necessary in order to provide information on all accounts.

1 Filing for calendar year ____ ____ ____ ____	3-4 Check appropriate Identification Number <input type="checkbox"/> Taxpayer Identification Number <input type="checkbox"/> Foreign Identification Number Enter identification number here:	6 Last Name or Organization Name	
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Last Name or Organization Name of Account Owner			35 Taxpayer Identification Number of Account Owner
36 First Name		37 Middle initial	38 Address (Number, Street, and Apt. or Suite No.)
39 City	40 State	41 Zip/Postal Code	42 Country
43 Filer's Title with this Owner			

15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Last Name or Organization Name of Account Owner			35 Taxpayer Identification Number of Account Owner
36 First Name		37 Middle initial	38 Address (Number, Street, and Apt. or Suite No.)
39 City	40 State	41 Zip/Postal Code	42 Country
43 Filer's Title with this Owner			

15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Last Name or Organization Name of Account Owner			35 Taxpayer Identification Number of Account Owner
36 First Name		37 Middle initial	38 Address (Number, Street, and Apt. or Suite No.)
39 City	40 State	41 Zip/Postal Code	42 Country
43 Filer's Title with this Owner			

15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Last Name or Organization Name of Account Owner			35 Taxpayer Identification Number of Account Owner
36 First Name		37 Middle initial	38 Address (Number, Street, and Apt. or Suite No.)
39 City	40 State	41 Zip/Postal Code	42 Country
43 Filer's Title with this Owner			

Part V Information on Financial Account(s) Where Corporate Filer Is Filing a Consolidated Report

Form TD F 90-22.1

Page Number

___ of ___

Complete a Separate Block for Each Account

This side can be copied as many times as necessary in order to provide information on all accounts.

1 Filing for calendar year ____ _	3-4 Check appropriate Identification Number <input type="checkbox"/> Taxpayer Identification Number <input type="checkbox"/> Foreign Identification Number Enter identification number here:	6 Last Name or Organization Name	
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Corporate Name of Account Owner			35 Taxpayer Identification Number of Account Owner
38 Address (Number, Street, and Apt. or Suite No.)			
39 City	40 State	41 Zip/Postal Code	42 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Corporate Name of Account Owner			35 Taxpayer Identification Number of Account Owner
38 Address (Number, Street, and Apt. or Suite No.)			
39 City	40 State	41 Zip/Postal Code	42 Country
15 Maximum value of account during calendar year reported		16 Type of account a <input type="checkbox"/> Bank b <input type="checkbox"/> Securities c <input type="checkbox"/> Other—Enter type below	
17 Name of Financial Institution in which account is held			
18 Account number or other designation		19 Mailing Address (Number, Street, Suite Number) of financial institution in which account is held	
20 City	21 State, if known	22 Zip/Postal Code, if known	23 Country
34 Corporate Name of Account Owner			35 Taxpayer Identification Number of Account Owner
38 Address (Number, Street, and Apt. or Suite No.)			
39 City	40 State	41 Zip/Postal Code	42 Country

General Instructions

Who Must File this Report. Each United States person who has a financial interest in or signature or other authority over any foreign financial accounts, including bank, securities, or other types of financial accounts, in a foreign country, if the aggregate value of these financial accounts exceeds \$10,000 at any time during the calendar year, must report that relationship each calendar year by filing this report with the Department of the Treasury on or before June 30, of the succeeding year.

Exceptions

An officer or employee of a bank which is currently examined by Federal bank supervisory agencies for soundness and safety need not report that he has signature or other authority over a foreign bank, securities or other financial account maintained by the bank, if the officer or employee has NO personal financial interest in the account.

An officer or employee of a domestic corporation whose equity securities are listed upon any United States national securities exchange or which has assets exceeding \$10 million and has 500 or more shareholders of record need not file such a report concerning signature or other authority over a foreign financial account of the corporation, if he has NO personal financial interest in the account and he has been advised in writing by the chief financial officer or similar responsible officer of the corporation that the corporation has filed a current report, which includes that account. An officer or employee of a domestic subsidiary of such a domestic corporation need not file this report concerning signature or other authority over the foreign financial account if the domestic parent meets the above requirements, he has no personal financial interest in the account, and he has been advised in writing by the responsible officer of the parent that the subsidiary has filed a current report which includes that account. If a United States subsidiary is named in a consolidated FBAR of the parent, the subsidiary will be deemed to have filed a report for purposes of this exception. An officer or employee of a foreign subsidiary more than 50% owned by such a domestic corporation need not file this report concerning signature or other authority over the foreign financial account if the employee or officer has no personal financial interest in the account, and he has been advised in writing by the responsible officer of the parent that the parent has filed a current report which includes that account.

General Definitions

United States Person. The term "United States person" means a citizen or resident of the United States, or a person in and doing business in the United States. See 31 C.F.R. 103.11(z) for a complete definition of "person." The United States includes the states, territories and possessions of the United States. See the definition of United States at 31 C.F.R. 103.11(nn) for a complete definition of United States. A foreign subsidiary of a United States person is not required to file this report, although its United States parent corporation may be required to do so. A branch of a foreign entity that is doing business in the United States is required to file this report even if not separately incorporated under U.S. law.

Financial Account. This term includes any bank, securities, securities derivatives or other financial instruments accounts. Such accounts generally also encompass any accounts in which the assets are held in a commingled fund, and the account owner holds an equity interest in the fund (including mutual funds). The term also means any savings, demand,

checking, deposit, time deposit, or any other account (including debit card and prepaid credit card accounts) maintained with a financial institution or other person engaged in the business of a financial institution. Individual bonds, notes, or stock certificates held by the filer are not a financial account nor is an unsecured loan to a foreign trade or business that is not a financial institution.

Account in a Foreign Country. A "foreign country" includes all geographical areas located outside the United States. See "United States Person" above 31 C.F.R. 103.11(nn) for a definition of United States. The geographical location of the account, not the nationality of the financial entity institution in which the account is found determines whether it is in an account in a foreign country. Report any financial account (except a military banking facility) that is located in a foreign country, even if it is held at an affiliate of a United States bank or other financial institution. Do not report any account maintained with a branch, agency, or other office of a foreign bank or other institution that is located in the United States.

Military Banking Facility. Do not consider as an account in a foreign country, an account in an institution known as a "United States military banking facility" (or "United States military finance facility") operated by a United States financial institution designated by the United States Government to serve U.S. Government installations abroad, even if the United States military banking facility is located in a foreign Country, is not an account in a foreign country.

Financial Interest. A financial interest in a bank, securities, or other financial account in a foreign country means an interest described in one of the following three paragraphs:

1. A United States person has a financial interest in each account for which such person is the owner of record or has legal title, whether the account is maintained for his or her own benefit or for the benefit of others including non-United States persons.
2. A United States person has a financial interest in each bank, securities, or other financial account in a foreign country for which the owner of record or holder of legal title is: (a) a person acting as an agent, nominee, attorney, or in some other capacity on behalf of the U.S. person; (b) a corporation in which the United States person owns directly or indirectly more than 50 percent of the total value of shares of stock or more than 50 percent of the voting power for all shares of stock; (c) a partnership in which the United States person owns an interest in more than 50 percent of the profits (distributive share of income, taking into account any special allocation agreement) or more than 50 percent of the capital of the partnership; or (d) a trust in which the United States person either has a present beneficial interest, either directly or indirectly, in more than 50 percent of the assets or from which such person receives more than 50 percent of the current income.
3. A United States person has a financial interest in each bank, securities, or other financial account in a foreign country for which the owner of record or holder of legal title is a trust, or a person acting on behalf of a trust, that was established by such United States person and for which a trust protector has been appointed. A trust protector is a person who is responsible for monitoring the activities of a trustee, with the authority to influence the decisions of the trustee or to replace, or recommend the replacement of, the trustee.

Correspondent or "nostro" accounts (international interbank transfer accounts) maintained by banks that are used solely for the purpose of bank-to-bank settlement need

not be reported on this form, but are subject to other Bank Secrecy Act filing requirements. This exception is intended to encompass those accounts utilized for bank-to-bank settlement purposes only.

Signature or Other Authority Over an Account. A person has signature authority over an account if such person can control the disposition of money or other property in it by delivery of a document containing his or her signature (or his or her signature and that of one or more other persons) to the bank or other person with whom the account is maintained. Other authority exists in a person who can exercise comparable power over an account by communication with the bank or other person with whom the account is maintained, either directly or through an agent, nominee, attorney, or in some other capacity on behalf of the U.S. person, either orally or by some other means.

Filing Information—Do NOT file with your Federal Income Tax Return

When and where to file. This report must be filed on or before June 30 of the year following the calendar year reported. The report is required annually. File by mailing this report to the Department of the Treasury, Post Office Box 32621, Detroit, MI 48232-0621, or by hand-carrying it to any local office of the Internal Revenue Service for forwarding to the Department of the Treasury, Detroit, MI. Tax attaches are located in the U.S. embassies in some countries. A filer can receive instructions for verifying that a report has been filed by calling the Detroit Computing Center Hotline at 1-800-800-2877.

Extensions of time to file federal tax returns do not extend the time for filing this report. **There is no extension of time available for filing this report.** If a delinquent FBAR is filed, also attach a statement explaining the reason for the late filing. See “When and where to file” (above) for filing instructions.

An amendment of a previously filed FBAR is accomplished by checking the “Amended” box in the upper right hand corner of the first page of the form, making the needed additions or corrections, and then stapling it to a copy of the original form. Please also attach a statement explaining the changes. See “When and where to file” (above) for filing instructions.

Record Keeping Requirements. If this Report is required, certain records must be retained. Such records must contain the name in which each such account is maintained, the number or other designation of such account, the name and address of the foreign bank or other person with whom such account is maintained, the type of such account, and the maximum value of each account during the reporting period. Retaining filed copies of this report will help to meet these requirements. The records must be retained for a period of five years and must kept at all times available for inspection as provided by law.

Explanations for Specific Items

Part I

Item 1. The Report of Foreign Bank and Financial Accounts (FBAR) is an annual report. Enter the calendar year being reported.

Amendment of a previously filed FBAR is accomplished by checking the “Amended” box in the upper right hand corner of the first page of the form, making the needed additions and corrections, and then stapling it to a copy of the original report. See “When and where to file” (above) for filing instructions.

Item 2. Check the appropriate box describing the filer. A corporation which owns directly or indirectly more than a 50 percent interest in one or more other entities required to file this Report will be permitted to file a consolidated report on TD F 90-22.1, on behalf of itself and such other entities.

Check box “d” in Item 2 and complete Part V. Consolidated reports should be signed by an authorized official of the parent corporation. Trusts and other entities, including tax-exempt organizations, should check box “e” and describe the filer on the line following box “e.”

Item 3. A filer should provide the filer’s taxpayer identification number. Generally this is the filer’s U.S. social security number (SSN) or employer identification number (EIN). Numbers should be entered with no spaces, dashes, or other punctuation throughout this report. If the filer does not possess such U.S. identification, the filer should complete Item 4.

Item 4. Complete Item 4 only if the filer has no U.S. taxpayer identification number. Item 4 requires the filer to provide the information about an official foreign government document evidencing the filer’s nationality or residence. The filer should write in the document number followed by the country of issuance. The filer may check off the type of document. If “other” is checked, the filer should write in the type of document. For example, an individual who is not a U.S. citizen would provide a passport number, the name of the country of issuance, and check off “passport.”

Item 5. Enter the date of birth of the filer using the month, day, and year convention.

Items 6, 7 and 8. Enter the name of the filer. An organization should enter its name in the Last Name space.

Items 9, 10, 11, 12 and 13. Enter the address of the filer. An individual filer residing in the United States should enter the street address of filer’s United States residence, not a post office box. An individual filer residing outside the United States should enter the filer’s United States mailing address. If the filer has no U.S. mailing address the filer may provide a foreign address. An organization should enter its United States mailing address.

Item 14. If the filer has a financial interest in 25 or more foreign financial accounts, the filer should check the yes box, sign and date the report (Items 44, 45 and 46) and leave blank Part II (Continuation of Separate Accounts) or Part III (Joint Accounts) of the report. If the group of entities covered by a consolidated report has a financial interest in 25 or more foreign financial accounts, the reporting parent corporation need only complete Part V (for consolidated reporting) Items 34 through 42, for the identity information of the account owners, but need not complete the account information. Detailed information about each account, including all information called for on this report, must be recorded and retained for five years from June 30 of the year following the calendar year reported. Any person who reports 25 or more foreign financial accounts must provide all the information omitted from Part II, III or V as appropriate.

Part II

Item 15. Provide the maximum value of the account during the calendar year being reported. The maximum value of an account is the largest amount of currency or non-monetary assets that appear on any quarterly or more frequent account statement issued for the applicable year. If periodic account statements are not issued, the maximum account asset value is the largest amount of currency and non-monetary assets in the account at any time during the year. Convert foreign currency by using the official exchange rate at the end of the year. In valuing currency of a country that uses multiple

exchange rates, use the rate which would apply if the currency in the account were converted into United States dollars at the close of the calendar year. The value of stock, other securities, or other non-monetary assets in an account reported on TD F 90-22.1 is the fair market value at the end of the calendar year or, if withdrawn from the account, at the time of the withdrawal. For purposes of Item 15, if the filer had a financial interest in more than one account, each account is to be valued separately in accordance with the foregoing two paragraphs. If the filer had a financial interest in one or more but fewer than 25 accounts, and is unable to determine whether the maximum value of these accounts exceeded \$10,000 at any time during the year, complete Part II, III, or V for each of these accounts and enter "value unknown" in Item 15 for these accounts.

Item 16. Indicate the type of account. If "Other" is selected describe the account.

Item 17. Provide the name of the financial institution with which the account is held.

Item 18. Provide the account number which the financial institution uses to designate the account.

Item 19—23. Provide the complete mailing address of the financial institution where the account is located. If the foreign state or postal code is not known leave them blank.

Part III

Item 24. Enter the number of joint owners for the account. If the exact number is not known, provide an estimate. In determining the number of joint owners, the filer is not counted.

Items 25—33. Enter this identity information about the joint owner. If there is more than one joint owner, enter the identity information about the principal joint owner. The filer may leave blank items for which no information is available. A spouse having a joint financial interest in an account with the filing spouse should be included as a joint account owner in Part III of this report. The filer should write (spouse) on Line 26 after the last name of the joint spousal owner. If the only reportable accounts of the filer's spouse are those reported as joint accounts, the filer's spouse need not file a separate report. If the accounts are owned jointly by both spouses, the filer's spouse should also sign the report. See the instructions for Item 44. If the filer's spouse has a financial interest in other accounts that are not jointly owned with the filer or has signature or other authority over other accounts, the filer's spouse should file a separate report for all accounts including those owned jointly with the other spouse.

Part IV—No Financial Interest in Account

Items 34-42. You must provide the name, address, and identifying number of the owner of a foreign financial account over which you had signature or other authority but no

financial interest in the account. If there is more than one owner of the account over which you have authority, provide the information in Items 34-43 for the primary owner for which you have authority. If you complete the account information for more than one account of the same owner, you need identify the owner only once. Write "Same Owner" in Item 34 for the succeeding accounts of the same owner.

Item 43. Enter filer's title for the position which gives him authority over the account.

Part V—Consolidated Report for Corporate Parent & Subsidiary Corporations

A corporation which owns directly or indirectly more than a 50 percent interest in one or more other entities required to file this report will be permitted to file a consolidated report on TD F 90-22.1, on behalf of itself and such other entities. Check box "d" in Item 2 in Part I and complete Part V.

Items 34—42. You must provide the corporate name, identifying number and address of the owner of the foreign financial account as shown on the books of the financial institution.

If you complete the account information for more than one account of the same owner you need identify the owner only once. Write "Same Owner" in Item 34 for the succeeding accounts of the same owner.

Signatures

This report must be signed by the person named in Part I. If the report is being filed on behalf of a partnership, corporation, fiduciary or other legal entity, it must be signed by an authorized individual. Consolidated reports should be signed by an authorized official of the parent corporation. Enter the title of the individual signing for a legal entity, such as a corporation, which is shown as the filer. A spouse included as a joint owner, who elects not to file a separate report in accordance with the instructions in Part III, must also sign this report. See the instructions for Part III.

Enter the title of the individual signing for a legal entity, such as a corporation, which is shown as the filer. Leave "Filer's Title" blank if the filer is only reporting as an individual. An individual filing because of a financial interest in his individual accounts is filing as an individual. An individual filing because of signature or other authority over a foreign financial account is filing as an individual. If the filer only has signature authority over the account, he should enter his title in Part IV Item 43, Filer's Title with this Owner, to show his relationship to the account. Enter the actual date signed.





FAQs Regarding Report of Foreign Bank and Financial Accounts (FBAR)

1. **What is an FBAR?**

An FBAR is a Report of Foreign Bank and Financial Account. The form number is [TD F 90-22.1](#) (PDF).

2. **Who must file an FBAR?**

Any United States person who has a financial interest in or signature authority, or other authority over any financial account in a foreign country, if the aggregate value of these accounts exceeds \$10,000 at any time during the calendar year

3. **What is a United States person?**

A "United States person" includes a citizen or resident of the United States, or a person in and doing business in the United States. The term "person" includes individuals and all forms of business entities, trusts, and estates.

4. **Would a foreign athlete or entertainer that occasionally visits the U.S. in order to compete or perform in an event, be considered a United States person for FBAR purposes?**

Whether a person is considered, for FBAR purposes, to be in, and doing business in the United States is determined based on an analysis of the facts and circumstances of each case. Generally, a person is not considered to be in, and doing business in the United States unless that person is conducting business within the United States on a regular and continuous basis. Persons who are merely visiting the United States or who sporadically conduct business in the United States, are not in, and doing business in, the United States for FBAR reporting purposes. For example, a person who is not a citizen or resident of the United States, is engaged in a business and only occasionally visits the United States to meet clients would not be in, and doing business in the United States for FBAR reporting purposes. Also, artists, athletes, and entertainers who are not citizens or residents of the United States and who only occasionally come to the United States to participate in exhibits, sporting events, or performances, do not have to file FBARs.

5. **What is a foreign country?**

A "foreign country" includes all geographical areas outside the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States (including Guam, American Samoa, and the United States Virgin Islands).

6. **What is a financial account?**

A "financial account" includes any bank, securities, securities derivatives or other financial instruments accounts. The term includes any savings, demand, checking, deposit, or any other account maintained with a financial institution or other person engaged in the business of a financial institution. Individual bonds, notes, or stock certificates held by the filer are not a financial account nor is an unsecured loan to a foreign trade or business that is not a financial institution.

7. **What constitutes signature or other authority over an account?**

A person has signature authority over an account if such person can control the disposition of money or other property in it by delivery of a document containing his or her signature (or his or her signature and that of one or more other persons) to the bank or other person with whom the account is maintained.

Other authority exists in a person who can exercise power that is comparable to signature authority over an account by direct communication to the bank or other person with whom the account is maintained, either orally or by some other means.

8. **What does "maximum value of account" mean (for Box 15 on the FBAR)?**

The maximum value of account is the largest amount of currency and non-monetary assets that appear on any quarterly or more frequent account statements issued for the applicable year. If periodic account statements are not issued, the maximum account value is the largest amount of currency or non-monetary assets in the account at any time during the year. Convert foreign currency by using the official exchange rate at the end of the year.

The value of stock, other securities or other non-monetary assets in an account reported on [TD F 90-22.1](#) (PDF) is the fair market value at the end of the calendar year. If the asset is withdrawn from the account, the value is the fair market value at the time of the withdrawal.

9. **Is an FBAR required if the account generates neither interest nor dividend income?**

Yes, an FBAR must be filed whether or not the foreign account generates any income.

10. **How do foreign account holders report their accounts to the IRS?**

The holders report their foreign accounts by completing boxes 7a and 7b on Form 1040 Schedule B and completing [Form TD F 90-22.1](#) (PDF).

11. **When is the FBAR due?**

The FBAR is due by June 30th of the year following the year that the account holder meets the \$10,000 threshold. The granting, by IRS, of an extension to file Federal income tax returns does not extend the due date for filing an FBAR. There is no extension available for filing the FBAR.

If an account holder does not have all the available information to file the return by June 30th, they should file as complete a return as they can and amend the document when the additional or new information becomes available.

12. **Where are FBAR forms available?**

- FBAR forms are available:
- o On the [IRS.gov](#) (PDF) Web site.
 - o On the Department of the Treasury's Financial Crimes Enforcement Network Web site for [Money Services Businesses](#).
 - o By calling IRS at (800) 829-3676.

13. **Is there a help line for questions about completing the form?**

You can get answers to questions concerning the FBAR form by calling (800) 800-2877, option 2.

14. **Where do account holders file the FBAR?**

Send completed forms to:

U.S. Department of the Treasury
P.O. Box 32621
Detroit, MI 48232-0621

The FBAR is not to be filed with the filer's Federal tax return.

15. **How does an FBAR filer amend a previously filed FBAR?**

- FBAR filers can amend a previously filed FBAR by:
- o Checking the Amended box in the upper right hand corner of the first page of the form;
 - o Making the needed additions or correction;
 - o Stapling it to a copy of the original FBAR; and
 - o Attaching a statement explaining the changes.

16. **What is the statute of limitations for assessing civil penalties for violations of the FBAR requirements?**

Civil penalties can be assessed anytime up to six years after the date of the violation.

17. **How long should account holders retain records of the foreign accounts?**
Records of accounts required to be reported on an FBAR must be retained for a period of five years. Failure to maintain required records may result in civil penalties, criminal penalties, or both.
18. **What happens if an account holder is required to file an FBAR and fails to do so?**
Failure to file an FBAR when required to do so may potentially result in civil penalties, criminal penalties, or both. If you learn you were required to file FBARs for earlier years, you should file the delinquent FBAR reports and attach a statement explaining why the reports are filed late. No penalty will be asserted if the IRS determines that the late filings were due to reasonable cause. Keep copies, for your record, of what you send.
19. **An American citizen, X, gives a person who is a citizen or resident of the U.S. power of attorney to X's Canadian bank accounts. X files an FBAR form annually. Does the power of attorney also need to file an FBAR?**
Yes, because the power of attorney has signature or other authority over the accounts and because he is a U.S. person.
20. **A fiduciary who is a U.S. person has control as a trustee for an IRA with a foreign account. Should an FBAR be filed?**
Yes, because the fiduciary is a U.S. person.
21. **Does the term "other authority over a financial account" mean that a person, who has the power to direct how an account is invested, but who cannot make disbursements to the accounts, has to file an FBAR?**
No, an FBAR is not required because the person has no power of disposition of money or other property in the account.
22. **Does more than one form need to be filed for a husband and wife owning a joint account?**
No, if the names and social security numbers of the joint owners are fully disclosed on the filed FBAR. A spouse having a joint financial interest in an account with the filing spouse should be included as a joint account owner in Part III of the FBAR. The filer should write (spouse) on line 26 after the last name of the joint spousal owner. If the only reportable accounts of the filer's spouse are those reported as joint owners, the filer's spouse need not file a separate report. If the accounts are owned jointly by both spouses, the filer's spouse should also sign the report. It should be noted that if the filer's spouse has a financial interest in other accounts that are not jointly owned with the filer or has signature or other authority over other accounts, the filer's spouse should file a separate report for all accounts including those owned jointly with the other spouse.
23. **Must a U.S. person file an FBAR on a Eurodollar account in the Cayman Islands?**
Yes, the Cayman Islands account is a foreign account.
24. **A N.Y. corporation owns a foreign company that has foreign accounts. The corporation will file an FBAR for the foreign company's accounts. Do the primary owners of the U.S. Company also have to file?**
Yes, if any owner directly or indirectly owns more than 50 percent of the total value of the shares of stock, that owner will have to file an FBAR.
25. **A company has over 25 foreign accounts. What should they enter in Part II of the FBAR?**
If the filer holds a financial interest in more than 25 accounts, check the yes box in item 14 and indicate the number of accounts in the space provided. Do not complete any further items in Part II or Part III of the report. Sign the form in item 44/45 and enter the date signed in item 46. Any person who lists more than 25 accounts in item 14 must provide all the information called for in Part II and Part III when requested by the Department of the Treasury.
26. **A person is a non-resident alien and only visits the United States to manage his personal interests, such as rental property. Does that person have to file an FBAR?**
A person who is not a United States citizen or resident and who visits the United States to manage his personal investments, such as rental property, and conducts no other business, is not considered to be in, and doing business in, the United States for FBAR reporting purposes and does not have to file FBARs.
27. **What are the exceptions to the FBAR filing requirement?**
Accounts in U.S. military banking facilities, operated by a United States financial institution to serve U.S. Government installations abroad, are not considered as accounts in a foreign country. For this reason, these accounts do not have to be reported on an FBAR.
- An officer or employee of a bank which is subject to the Supervision of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, or the Federal Deposit Insurance Corporation need not report that he has signature or other authority over a foreign bank, securities or other financial account maintained by the bank, if the officer or employee has NO personal financial interest in the account.
- An officer or employee of a domestic corporation whose equity securities are listed on a national securities exchange or which has assets exceeding \$10 million and 500 or more shareholders of record, need not file a report concerning the other signature authority over a foreign financial account of the corporation, if he has NO personal financial interest in the account and he has been advised, in writing, by the chief financial officer of the corporation that the corporation has filed a current report, which includes that account.
28. **Does the IRS have an email address to send questions regarding the FBAR?**
You can send questions concerning the FBAR to FBARquestions@irs.gov. The email system does not accept actual FBAR reports.

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