



AMCHAM

The American Chamber of Commerce in Hanoi

Statement on the Foreign Account Tax Compliance Act (FATCA)

To increase the competitiveness of American firms operating in Vietnam and to improve the positions of our members who are US citizens or US permanent residents by eliminating burdensome requirements and unfair costs, the American Chamber of Commerce in Hanoi (AmCham) recommends:

- That the Foreign Account Tax Compliance Act (FATCA) of 2010 be amended to clarify the requirements and to eliminate the reporting requirements for categories of non-US accounts that are routinely held by compliant, middle-income Americans in Vietnam and elsewhere in order to mitigate consequences unintended by the drafters of the legislation. At the very minimum, FATCA and the Report of Foreign Bank and Financial Accounts (FBAR) should exempt from reporting requirements retail banking and securities accounts that are held in the country where the taxpayer is resident.
- That a comprehensive revision of FATCA and FBAR address real world examples of the unintended consequences of the Act and allow for such modifications as necessary to remove or greatly reduce the impact on American citizens and businesses in Vietnam, specifically, by including the reporting as a page of the annual tax return.
- Pending a more comprehensive revision, that the FBAR filing requirements and Form 8938, Statement of Specified Foreign Financial Assets, be clarified, dramatically simplified and made consistent with other criteria for reporting of accounts, in order to reduce the substantial risk of filing error resulting from confusion and misunderstanding by taxpayers believing in good faith that they have complied. Consolidating all required account reporting into a single page included with the tax return (with the same deadline for submission) would also reduce the burden.

About AmCham:

Founded in 1994, the American Chamber of Commerce in Vietnam's mission is to increase trade and investment between the United States and Vietnam. AmCham supports the success of our members by promoting a healthy business environment in Vietnam, strengthening commercial ties, and providing high-quality business information and resources. Our members are united in the belief that an economic system based upon free trade, open markets and private enterprise creates employment, prosperity and stable development. AmCham is a non-governmental, not-for-profit, foreign business organization and is not affiliated with the government of the United States.

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