IRS Issues Proposed FATCA Regulations

The IRS recently issued proposed regulations under the Foreign Account Tax Compliance Act ("**FATCA**"). FATCA was enacted as part of the Hiring Incentives to Restore Employment ("**HIRE**") Act in March 2010 and is designed to police offshore investments, accounts and trust interests held by certain US persons. The advent of FATCA will have a significant impact on non-US banks and other non-US financial institutions; non-US investment funds and certain other non-US entities, in each case if the entity has US source investments. The proposed regulations offer further guidance on steps that must be taken by such entities in order to avoid potential US withholding tax.

Under FATCA, certain foreign financial institutions ("**FFIs**") are required to enter into an agreement (an "**FFI Agreement**") with the US Treasury to (a) identify, through established due diligence procedures, any financial account held by specified US taxpayers or US-owned foreign entities (so-called "**US accounts**"), (b) report information about each US account, and (c) withhold taxes on certain payments made to (i) financial account owners that fail to submit information to the FFI and (ii) FFIs that do not enter into an agreement with the US Treasury (so-called "**nonparticipating FFIs**").

FFIs that fail to enter into an FFI agreement may be subject to a 30% US withholding tax on certain US-source payments (so-called "**withholdable payments**"), including US-source interest, dividends, rents, salaries, wages and similar (fixed and determinable annual or periodical) payments, as well as on gross proceeds from the sale or other disposition of property that can produce US-source interest or dividends.

Other non-financial, foreign entities (so-called "non-financial foreign entities" or "**NFFEs**") are subject to the same withholding tax on certain US-source payments if they do not report information on US owners, unless they can certify that they have no "substantial" (generally over 10%) US owner. Certain foreign entities, however, are exempt from this withholding tax (so-called "**excepted NFFEs**"). Under FATCA, excepted NFFEs include (i) publicly traded corporations, (ii) any corporation that is a member of the same "expanded affiliated group" as a publicly traded corporation, (iii) entities organized under the laws of a US territory and wholly owned by residents thereof, (iv) foreign governments or agencies or instrumentalities thereof, and (v) foreign central banks. In general, an "**expanded affiliated group**" means a chain or group of corporations under 50% common ownership by vote and value. A partnership or other non-corporate entity is treated as a member of an expanded affiliated group if such entity is more than 50% owned (by value) by members of such group.

Since the enactment of FATCA, the IRS has issued preliminary guidance thereon in the form of three IRS Notices (See Notice 2010-60, 2010-37 I.R.B. 329, Notice 2011-34, 2011-19 I.R.B. 765, and Notice 2011-53, 2011-32 I.R.B. 124). Last month, the IRS issued a series of proposed regulations (the "**Proposed Regulations**") designed more fully to implement the FATCA reporting and withholding regime. The Proposed Regulations incorporate, refine and expand upon all the prior guidance described in the Notices. The following provides a summary of the Proposed Regulations, an overview of the obligations of FFIs, and a timeline showing the phased implementation of FATCA, as currently proposed.

Foreign Financial Institutions

An FFI is defined as any "financial institution" that is a non-US entity. The term "financial institution" generally includes any entity that: (a) accepts deposits in the ordinary course of a banking or similar business; (b) as a substantial portion of its business, holds financial assets for the account of others; (c) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, notional principal contracts, insurance or annuity contracts or any interest in such securities, partnership interests, commodities notional principal contracts or insurance or annuity contracts or (d) is an insurance company making payments with respect to financial accounts. An entity is treated as engaged primarily in the business of investing, reinvesting, or trading if the entity's gross income from those activities is at least 50% of the entity's total gross income over the current and prior two years. This category of FFIs will generally cover non-US investment funds.

US Accounts

FATCA defines the term "US account" (subject to FATCA reporting) as any "financial account" held by one or more "specified US persons" or "US-owned foreign entities," with certain exceptions. A "financial account" generally is defined by FATCA to mean any depository account, custodial account, or equity or debt interest in an FFI, other than interests that are regularly traded on an established securities market. The Proposed Regulations also provide that a financial account does not include any account held solely by one or more "exempt beneficial owners" (discussed below under "FATCA Withholding on Withholdable Payments") or by nonparticipating FFIs holding the account as intermediaries solely on behalf of one or more such owners.

The Proposed Regulations refine the statutory definition of financial account to focus on traditional bank, brokerage, money market accounts, and interests in investment vehicles, and to exclude most debt and equity securities issued by banks and brokerage firms, subject to an anti-abuse rule. In particular, the Proposed Regulations provides that debt or equity that is "regularly traded" on an "established securities market" will not be treated as a financial account. For this purpose, debt or equity interests are considered "regularly traded" if (a) trades in such interests are effected, other than in *de minimis* quantities, on such market or markets on at least 60 days during the prior year and (b) the aggregate number of such interests that are traded on such market or markets during the prior year is at least 10% of the average number of such interests outstanding during the prior year. The Proposed Regulations do not address how this exception applies in respect of newly issued interests.

The term "established securities market" is defined in the Proposed Regulations as (i) a foreign securities exchange that is officially recognized, sanctioned or supervised by a governmental authority of the foreign country in which the market is located, and has an annual value of shares traded on the exchange (or predecessor exchange) exceeding $1 billion during each of the three calendar years immediately preceding the beginning of the calendar year in which the determination is being made; (ii) a national securities exchange which is registered under section 6 of the US Securities Exchange Act of 1934 or the US Securities and Exchange Commission; (iii) any exchange designated under a Limitation on Benefits article of an income tax treaty with the United States that is currently in force; and (iv) any other exchange that may be designated in published guidance.

The Proposed Regulations provide that the term "specified US person" generally means any US person, *excluding*, however, (a) a corporation the stock of which is regularly traded on one or more established securities markets, and any corporation that is a member of the same expanded affiliated group as such a corporation; (b) a real estate investment trust; (c) the United States or any wholly owned agency or instrumentality thereof; and (d) a US tax-exempt organization (including charities and certain pension funds). A "US-owned foreign entity" is defined as any foreign entity that has one or more substantial (generally more 10%, directly or indirectly) US owners.

FATCA Withholding on Withholdable Payments

FATCA requires withholding of 30% from any withholdable payment to an FFI or NFFE that does not meet certain requirements.

To meet such requirements, an FFI generally must enter into an FFI Agreement with the IRS, pursuant to which the FFI must agree to undertake certain due diligence, reporting and withholding responsibilities (so-called "**participating FFIs**"). If an FFI is itself the beneficial owner of a payment with respect to which FATCA withholding has been imposed, and the FFI is entitled to a reduced rate of tax on the payment under a tax treaty, the FFI can claim a credit or refund of over-withheld tax (without interest).

An NFFE, on the other hand, generally must certify to the payor that it does not have any "substantial" US owners, or provide the payor with the name, address, and tax ID number of each substantial US owner. As noted above, certain foreign entities are exempt from the FATCA withholding tax as so-called "excepted NFFEs" and, as such, do not have to certify as to any US owners. The Proposed Regulations expand the list of excepted NFFEs to include "active NFFEs." An active NFFE is any NFFE if less than 50% of its gross income for the calendar year is passive income and less than 50% of its assets are assets that produce or are held for the production of dividends, interest, rents and royalties (other than those derived in the active conduct of a trade or business), annuities, or other passive income. Accordingly, foreign entities involved in active operating businesses should not be viewed as NFFE's.

FATCA exempts from withholding payments beneficially owned by certain persons (so-called, "**exempt beneficial owners**"). Under FATCA, exempt beneficial owners include (a) any foreign government or agencies or instrumentalities thereof, (b) international organizations and (c) foreign central banks. The Proposed Regulations expand the definition of "exempt beneficial owners" to include (x) governments of US territories, (y) foreign retirement plans that fit within specific criteria set forth in the Proposed Regulations and (z) an FFI described in the third category of "financial institutions" (i.e., engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, etc.) if it is wholly owned by one or more other exempt beneficial owners.

A foreign retirement plan generally will be treated as an exempt beneficial owner if the fund (a) is eligible for the benefits of an income tax treaty with the United States on US-source income, (b) generally is exempt from income tax in its home country and (c) operates principally to administer or provide pension or retirement benefits. A foreign retirement plan also can be treated as an exempt beneficial owner if (a) the fund is formed for the provision of retirement or pension benefits under the law of the country in which it is established (b) the fund receives only employer, government, or employee contributions that are limited by reference to earned income, (c) the fund has no single beneficiary that has a right to more than 5% of the fund's assets, and (d) either (i) its investment income is exempt from tax under the laws of the country in which it is organized or in which it operates as a result of its status as a retirement or pension plan in that country or (ii) it receives 50% or more of its total contributions from the government or employers.

FATCA withholding was originally to go into effect on January 1, 2013, subject to the grandfathering rule described below. The IRS has extended this deadline in prior guidance as follows:

- Withholding on US-source, fixed and determinable annual or periodical payments (such as interest and dividends) made to nonparticipating FFIs will go into effect on January 1, 2014.

- Withholding on all other types of withholdable payments made to nonparticipating FFIs (such as gross proceeds from the sale of property that can produce US-source interest or dividends) will go into effect on January 1, 2015.

Also under prior guidance, the IRS has provided that FFIs that enter into an agreement with the US Treasury by June 30, 2013 are guaranteed that they will not be subject to withholding on payments made to them when FATCA withholding goes into effect on January 1, 2014. FFIs that enter into an agreement with the US Treasury after that date (and before December 31, 2013), although technically compliant with FATCA, may nevertheless be subject to withholding during 2014 in certain situations due to the lack of sufficient notice to US withholding agents regarding their compliance status. As such, all FFIs are well-advised to enter into an agreement with the US Treasury no later than June 30, 2013.

Grandfathered Obligations

Under FATCA, "obligations" outstanding on March 18, 2012 (i.e., two years after enactment), generally are not subject to the FATCA withholding regime. The Proposed Regulations expand this rule to obligations outstanding on January 1, 2013, and any gross proceeds from the disposition of such obligations. The Proposed Regulations provide that, for this purpose, the term "obligations" generally does not, however, include stock or other equity interests or agreements that lack a definitive expiration or term (the latter including deposit accounts or brokerage agreements). Moreover, any material modification of an obligation may result in the obligation being treated as newly issued for purposes of FATCA, thus potentially taking it out of the "grandfathering" protection.

Reporting under an FFI Agreement

FATCA requires a participating FFI to report certain information on an annual basis to the IRS with respect to each US account and to comply with requests for additional information by the IRS with respect to any US account. The information that must be reported with respect to each US account generally includes: (i) the name, address and taxpayer identifying number (TIN) of each account holder who is a specified US person (or, in the case of an account holder that is a US owned foreign entity, the name, address and TIN of each specified US person that is a substantial US owner of such entity); (ii) the account number; (iii) the account balance or value; and (iv) the gross receipts and gross withdrawals or payments from the account. If foreign law would prevent the FFI from reporting the required information absent a waiver from the account holder, and the account holder fails to provide a waiver within a reasonable period of time, the FFI is required to close the account.

The Proposed Regulations provide that FATCA reporting will be phased in beginning in 2014 (with respect to the 2013 calendar year), with participating FFIs required to report only the name, address, taxpayer identifying number (TIN), account number and account balance with respect to US accounts. Reporting on income earned on accounts (other than gross proceeds from the sale of property) will be required beginning in 2016 (with respect to the 2015 calendar year), and reporting on gross proceeds earned on accounts from the sale of property will be required beginning in 2017 (with respect to the 2016 calendar year). The Proposed Regulations provide that FFIs may elect to report information either in the currency in which the account is maintained or in US dollars.

Withholding under an FFI Agreement

FATCA requires a participating FFI to withhold 30% of any "passthru payment" to a "recalcitrant account holder" or to another FFI that is a nonparticipating FFI. A "passthru payment" generally is defined as any (a) withholdable payment or (b) other payment made by a participating FFI to the extent attributable to a withholdable payment received by the FFI. The Proposed Regulations provided that the

IRS is still considering rules for when a payment will be treated as attributable to a withholdable payment. A "recalcitrant account holder" is any account holder that fails to provide the information required to determine whether the account is a US account, or the information required to be reported by the FFI, or that fails to provide a waiver of a foreign law that would prevent reporting. A participating FFI may in certain cases elect not to withhold on passthru payments, and instead be subject itself to FATCA withholding on payments it receives, to the extent those payments are allocable to recalcitrant account holders or nonparticipating FFIs.

Participating FFIs generally are required under FATCA to withhold on passthru payments that are withholdable payments made to nonparticipating FFIs and to recalcitrant account holders beginning on January 1, 2014. Prior IRS guidance provided that participating FFIs are not obligated to withhold on passthru payments that are not withholdable payments (i.e., a payment that is attributable to, but is not itself, one of the types of enumerated US-source payments) made to nonparticipating FFIs and recalcitrant account holders before January 1, 2015. The Proposed Regulations have extended this deadline and now provide that withholding will not be required with respect to such passthru payments before January 1, 2017. Until January 1, 2017, however, in an effort to reduce tax evasion, participating FFIs are required to report annually to the IRS the aggregate amount of certain payments made to each nonparticipating FFI.

Affiliated FFIs

The requirements of an FFI agreement apply to the US accounts of the participating FFI and to the US accounts of each other FFI that is a member of the same expanded affiliated group as such FFI. Furthermore, FATCA generally requires that each FFI that is a member of an expanded affiliated group must be a participating FFI or a "deemed-compliant FFI" in order for any FFI in the expanded affiliated group to become a participating FFI. In prior guidance, the IRS has indicated that intends to implemented a centralized compliance approach that will require (or, in certain cases, permit) an affiliated group of FFIs to designate a lead FFI to handle communications with the IRS and assume an oversight role with respect to compliance by the affiliate group with the FATCA regime. If this approach ultimately is adopted, it should alleviate some of the compliance burden on affiliated groups of FFIs. The Proposed Regulations, however, do not address this issue.

Recognizing that some jurisdictions have in place laws that prohibit an FFI's compliance with certain aspects of FATCA, the Proposed Regulations provide a two-year transition, until January 1, 2016, for the full implementation of this requirement. During this transitional period, an FFI affiliate in a jurisdiction that prohibits the reporting or withholding required by FATCA will not prevent the other FFIs within the same expanded affiliated group from entering into an FFI agreement, provided that the FFI in the restrictive jurisdiction agrees to perform certain due diligence to identify its US accounts, maintain certain records, and meet certain other requirements. Similar rules apply to branches of FFIs that are subject to comparable legal prohibitions on compliance.

Modification of Due Diligence Procedures for the Identification of Accounts

As noted above, FATCA requires participating FFIs to identify their US accounts. Prior IRS guidance has addressed the due diligence procedures that participating FFIs will be required to undertake to identify their US accounts. The Proposed Regulations modify this earlier guidance, and thereby reduce the administrative burden on FFIs, by permitting FFIs to rely primarily on electronic reviews of preexisting accounts to determine if such accounts are US accounts.

For preexisting individual accounts maintained offshore, manual review of paper records generally is limited to accounts with a balance or value that exceeds $1,000,000 (unless the electronic searches meet certain requirements, in which case manual review is not required). In addition, the Proposed Regulations provide detailed guidance on the precise scope of paper records required to be searched. Additionally, with respect to preexisting accounts, individual accounts with a balance or value of $50,000 or less, and certain cash value insurance contracts with a value of $250,000 or less, are excluded from the due diligence procedure.

For preexisting entity accounts, the Proposed Regulations provide for simplified procedures for identifying US accounts, including exclusions of accounts with balances of $250,000 or less and also for extended reliance on information gathered in the context of the due diligence required to comply with anti-money laundering/"know your customer" (AML/KYC) rules.

With respect to new accounts, the Proposed Regulations permit an FFI to rely extensively on its existing customer intake procedures. Accordingly, the Proposed Regulations generally do not require an FFI to make significant modifications to the information collected on customer intake, other than with respect to account holders identified as FFIs, as passive investment entities, or as having certain US indicia.

Procedures Required to Verify Compliance

FATCA generally requires a participating FFI to comply with certain verification procedures with respect to the identification of US accounts. The Proposed Regulations provide that a responsible officer of each FFI is required to certify that the FFI has complied with the terms of its FFI agreement. Verification of such compliance through third-party audits is not required. The Proposed Regulations also provide that if an FFI substantially complies with its obligations in the FFI agreement, the FFI will not be held strictly liable for failure to identify a US account.

Deemed-Compliant FFIs.

FATCA provides that certain categories of FFIs that will be treated as "deemed compliant" and, as a result, will not be required to enter into an FFI Agreement with the IRS in order to avoid the 30% withholding tax. The Proposed Regulations expand upon prior guidance and provide additional categories of deemed-complaint FFI.

The Proposed Regulations provide for two general types of deemed-compliant FFIs: registered deemed-compliant FFIs and certified deemed-compliant FFIs. A registered deemed-compliant FFI generally is required to register with the IRS every three years in order to declare its status as deemed-compliant and to attest to the IRS that it satisfies certain procedural requirements. A certified deemed-compliant FFI generally is not required to register with the IRS, but will be required certify to any withholding agent on an IRS Form W-8 that it meets the requirements of its certified deemed-compliant category.

- ***Registered Deemed-Compliant FFIs***

Registered deemed-compliant FFIs include local FFIs, nonreporting members of participating FFI groups, qualified investment vehicles and restricted funds, as well as FFIs that comply with the requirements of FATCA under an agreement between the United States and a foreign government. Although no such agreements are currently in place, the IRS recently announced that it had entered into an agreement with France, Germany, Italy, Spain and the United Kingdom to pursue a framework for implementing FATCA.

Local FFIs. To qualify as a local FFI, the FFI (and, if the FFI is a member of an expanded affiliated group, each FFI in the group) must meet certain licensing and regulation requirements. It must have no fixed place of business outside its country of organization and must not solicit account holders outside its country of organization. In addition, 98% of the accounts maintained by the FFI must be held by residents of the FFI's country of organization, and the FFI must be subject to reporting or withholding requirements in its country of organization with respect to resident accounts. For this purpose, an FFI that is organized in a European Union Member State is permitted to treat account holders that are residents of other EU Member States as residents of the country in which the FFI is organized. A local FFI also must establish policies and procedures to ensure that it does not open or maintain accounts for specified US persons that are not residents in the country in which the FFI is organized, for nonparticipating FFIs, or for entities controlled or beneficially owned by specified US persons, and must perform due diligence with respect to its entity accounts and certain individual accounts.

<u>Nonreporting Members of Participating FFI Groups</u>. An FFI that is a member of an expanded affiliated group that includes at least one participating FFI can become a registered deemed-compliant FFI as a "nonreporting member" of the group if it transfers certain preexisting accounts that have been identified as US accounts (or accounts held by nonparticipating FFIs) to an affiliate in the group that is a participating FFI or a US financial institution. The nonreporting member also is required to implement certain policies and procedures to ensure that any US accounts (or accounts held by nonparticipating FFIs) are promptly transferred to an affiliate that is a participating FFI or a US financial institution. This type of deemed-compliant FFI is not limited to those FFIs that operate within a single country and that solicit account holders in such country.

<u>Qualified Investment Vehicles</u>. In general, an FFI that is described in the third category of "financial institutions" (i.e., is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, etc.) and that is regulated in its country of organization as an investment fund generally can become a registered deemed-compliant FFI, if all holders of record of a direct interest in the FFI are participating FFIs, deemed-compliant FFIs, or exempt beneficial owners.

<u>Restricted Funds</u>. An FFI that is described in the third category of "financial institutions" (i.e., is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, etc.) and that is regulated as an investment fund under the law of its country of organization also can become a registered deemed-compliant FFI if each "distributor" of the investment fund's interests is a participating FFI, a registered deemed-compliant FFI, a nonregistering local bank, or a restricted distributor. The term "distributor" generally includes underwriters, brokers and dealers. This rule also requires that each agreement that governs the distribution of the investment fund's debt or equity interests (other than interests that are both distributed by and held through a participating FFI) prohibit sales of debt or equity interests in the fund to US persons, nonparticipating FFIs, or passive NFFEs with one or more substantial US owners, and its prospectus must indicate that sales to US persons, passive NFFEs, and nonparticipating FFIs (other than interests that are both distributed by and held through a participating FFI) are prohibited. The FFI also must establish procedures to review preexisting direct accounts and ensure proper treatment of new direct accounts.

- ***Certified Deemed-Compliant FFIs***

Certified deemed-compliant FFIs include non-registering local banks, certain retirement plans, non-profit organizations, certain owner-documented FFIs, and FFIs with only low-value accounts.

<u>Non-Registering Local Banks</u>. To qualify as a nonregistering local bank, generally a bank must offer basic banking services, operate solely in its country of incorporation (or if it is a member of an expanded affiliated group, all members must operate in the same country), and have no more than $175 million in assets on their balance sheet (and the entire expanded affiliated group must have no more than $500 million on their combined balance sheets).

Retirement Plans. For a retirement plan to qualify for certified deemed-compliant status, generally, the FFI must be organized for the provision of retirement or pension benefits under the law of each country in which it is established or in which it operates. Contributions to the FFI must consist only of employer, government, or employee contributions and must be limited by reference to earned income. In addition, no single beneficiary may have a right to more than 5% of the FFI's assets. Finally, contributions to the FFI must be excluded from the income of the beneficiary and/or taxation of the income attributable to the beneficiary must be deferred under the laws of the country in which the FFI is organized or operates, or the FFI must receive 50% or more of its total contributions from the government or employers. Alternative criteria apply to retirement plans that have fewer than 20 participants and meet certain other requirements.

Non-Profit Organizations. A non-profit organization can qualify for certified deemed-compliant status if it (a) is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, or educational purposes; (b) is exempt from income tax in its country of residence; (c) has no shareholders or members that have a proprietary interest in its income or assets; and (d) is subject to restrictions preventing the private inurement of its income and assets.

Owner-Documented FFIs. An "owner-documented FFI" is an FFI that (a) is described only in the third category of "financial institutions" (i.e., is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities, partnership interests, commodities, etc.) and is affiliated only with other similar FFIs, (b) maintains no financial accounts for nonparticipating FFIs, (c) does not issue debt that constitutes a financial account in excess of $50,000 to any person, (d) provides a withholding agent with all required documentation regarding its owners, and (e) the withholding agent agrees to report to the IRS the information required with respect to any of the owners of the owner-documented FFI that are specified US persons. Because an owner-documented FFI is required to provide each withholding agent with documentation and the withholding agent must agree to report on behalf of the owner-documented FFI, an owner-documented FFI may have certified deemed-compliant status only with respect to a specific withholding agent.

FFIs with Only Low-Value Accounts. An FFI is treated as having only low-value accounts if (a) the FFI is described only in the first or second category of "financial institutions" (i.e., accepts deposits in the ordinary course of a banking or similar business; or as a substantial portion of its business, holds financial assets for the account of others); (b) no financial account maintained by the FFI (or, in the case of an FFI that is a member of an expanded affiliated group, by any member of the expanded affiliated group) has a balance or value in excess of $50,000; and (c) the FFI has no more than $50 million in assets on its balance sheet (and, in the case of an FFI that is a member of an expanded affiliated group, the entire expanded affiliated group has no more than $50 million in assets on its consolidated or combined balance sheet).

Conclusion

Although there is still more than one and a half years before the FATCA provisions become effective, once they come into play they will have a significant impact on foreign banks, funds and other foreign persons (as well as on US payors of US-source amounts to such foreign persons). Foreign entities subject to these new rules are well-advised to plan ahead by putting mechanisms into place that will enable them to comply with the various due diligence and reporting requirements so as to avoid an unnecessary US withholding tax burden.

FATCA Implementation Timeline Summary

Deadline	Reporting/Withholding Requirement
January 1, 2013	Certain obligations outstanding on this date generally will not be subject to the FATCA withholding regime.
June 30, 2013	FFIs that enter into an agreement with the US Treasury by June 30, 2013 are guaranteed that they will not be subject to withholding on payments made to them when FATCA withholding goes into effect on January 1, 2014.
January 1, 2014	Withholding begins on (a) US-source, fixed and determinable annual or periodical payments (such as interest and dividends) made to nonparticipating FFIs and (b) passthru payments that are withholdable payments made to nonparticipating FFIs and to recalcitrant account holders.
March 31, 2014	Limited FATCA reporting begins (with respect to the 2013 calendar year), limited to the name, address, taxpayer identifying number (TIN), account number and account balance of each US accounts.
January 1, 2015	Withholding beings on all other types of withholdable payments made to nonparticipating FFIs (such as gross proceeds from the sale of property that can produce US-source interest or dividends).
March 31, 2016	Additional FATCA reporting on income earned on accounts (other than gross proceeds from the sale of property) begins (with respect to the 2015 calendar year).
January 1, 2017	Withholding on passthru payments that are not withholdable payments (i.e., a payment that is attributable to, but is not itself, one of the types of enumerated US-source payments) made to nonparticipating FFIs and to recalcitrant account holders.
March 31, 2017	Additional FATCA reporting on gross proceeds earned on accounts from the sale of property begins (with respect to the 2015 calendar year).