

ATTN: Financial Services Tax Committee

April 14, 2013

Dear Rep Adrian Smith and Rep John Larson,

I am writing, *begging* for a repeal or revision of the Foreign Account Tax Compliance Act (FATCA), which in combination with new Foreign Bank Account Reporting (FBAR) regulations is crippling my ability to bank in Switzerland, the country where I live and work.

FATCA has had a direct impact on me in the last year as many banks in Switzerland take note of the new regulations.

Last year my Swiss husband and I were preapproved for a mortgage with Axa-Winterthur. We made plans to sign a contract for a new build flat to be completed in one year only to find out that 3 weeks after we'd met with them, Axa-Winterthur had a brand new policy that they did not accept any American customers for anything. This was a **direct** result of FATCA . Before we went ahead with our home purchase, I contacted 30 banks here to see if they still accepted Americans and 10 still did. But I can tell you, it makes me feel *sick* to my stomach to hear over the phone that I am ineligible because I am American. My husband and I both have good jobs and no debt, but I cannot change my citizenship. It is who I am.

This March we went to finalize our mortgage and found that only **four of those banks** would still accept Americans. It did not matter if my husband is Swiss, as long as I am American and part of the contract, we had trouble. We certainly did not have the opportunity to choose the best bank to work with and it is only a number of years before I have to close down my accounts here and start hiding my money under my mattress. The IRS is encouraging this kind of discrimination by making it increasingly unattractive to work with Americans.

Americans are now routinely blacklisted from banks in Switzerland. No one wants to work with an individual whose home country sues banks as often as the IRS does. No one wants to be the next UBS, shelling out millions and billions to the IRS. As an American, my tax status as a citizen abroad is extremely complicated and not even the most skilled accountants here know if they are filling out all forms for Americans properly.

Since the introduction of FATCA, Swiss banks have been closing their doors to Americans and telling them to find new banks. Last July, Raiffeisen eliminated all of its American customers. This year, Migros Bank and Bank Coop also shut down their services to Americans. I now have a very limited choice of banks I can work with. I cannot open an account anywhere my husband can. I cannot shop around for the best interest rate.

Absolutely no Swiss bank will let me invest stocks or bonds outside the US, so if I want to invest, I must deal with currency conversion and take a risk on how low the US Dollar continues to drop.

When we married, my Swiss husband and I joined all of our bank accounts only to learn that it meant I was required by the IRS to file all of his personal banking records including bank account numbers, addresses and maximum yearly balance to the US Treasury. We both find this a gross breach of privacy for the US to be prying into a non-American's non-American funds. It is none of the US Treasury's business how much my non-resident alien husband earns or saves, so we are forced to keep all of our accounts separate now. The IRS should not be wasting money trying to collect information on a non-American like this and in reality, they shouldn't be wasting money on non-residents like me trying to figure out how much I earn either.

Every person in the entire country of Switzerland now has to fill out forms that state very clearly whether they are a US person or not. This is not required for any other nationality here. I don't think I have to explain to you what this must mean in terms of raising the overhead in banking here, but to me it seems like a waste of money on everyone's part.

Each year, my tax filing obligations, FBAR and FATCA obligations change ever so slightly. I can tell you that each year I labor to fill out everything as properly as possible, but the forms are extremely confusing and many Americans ask each other for advice on how to list our investments and income correctly. I can honestly say I am terrified that there will be a day when the IRS writes me a letter that I have done something wrong... filled out something incorrectly and that I owe a \$10,000 penalty plus half the amount in my combined accounts or that I must go to jail. Each year April approaches, I am scared that I will put a toe out of line and feel the undeserved wrath of the IRS at my door, looking for money anywhere they can.

My husband and I want to have children some day, but as it stands now, I really do not want those children to be American. If we raise children in Switzerland or Brazil or somewhere in the world, I do not want to burden my kids with a lifetime of US filing responsibilities that they did not ask for. I refuse to burden my children with banking discrimination and cripple their investment opportunities forever because of FATCA. It is not worth it.

Personally I cannot give up my citizenship because I need to be able to visit my mother, father and 8 siblings back in America. I need to have the opportunity to move back to America for my family. If I did not have family there, I would give up my citizenship in a heartbeat. Nothing is worth giving family up, but if I cannot do simple banking in Switzerland in the future because of FATCA... I really do not know what I will do. Being American makes life increasingly difficult here.

Please, I'm really begging... please consider the repeal of FATCA. It is not well thought out and it does not take Americans abroad into consideration properly. Moving towards a residence-based system would make much more sense and would save Americans from more discrimination as people decide it is not worth working with us abroad. Please help make being American something good again in today's global economy.

Yours sincerely,

Katherine Helfenberger