

SUBMISSION of Stephen John Kish to the House Subcommittee on Government Operations regarding the Foreign Account Tax Compliance Act

Chairman Meadows, Ranking Member Connolly, and Members of the Subcommittee on Government Operations, I appreciate very much having this opportunity to submit a written statement for the April 26, 2017 hearing on the Foreign Account Tax Compliance Act.

My name is Stephen John Kish. I was born in Seattle Washington on July 11, 1948.

I am a Plaintiff in *Crawford v. U.S. Department of the Treasury*, a lawsuit currently pending in United States Court of Appeals for the Sixth Circuit. In that case, we claim that the Foreign Account Tax Compliance Act (FATCA) causes unreasonable harm to U.S. citizens, including my own family, and that the FATCA law contradicts our U.S. Constitution.

I am a former U.S. citizen (see below), a Notre Dame (South Bend, Indiana) graduate, and am a citizen of Canada. I reside with my wife in Toronto, Ontario, Canada.

I am not a tax cheat.

While living in Canada I have never had to pay tax to the IRS --- because my income is too low. As a U.S. citizen I disclosed a Report of Foreign Bank and Financial Accounts ("FBAR") to the United States Financial Crime Enforcement Network each year.

On August 24, 2016 I renounced my United States citizenship before a Consular Officer at the U.S. Embassy in Reykjavik, Iceland. My renunciation was approved by U.S. Department of State on September 21, 2016.

I selected the U.S. Embassy in Iceland for my renunciation because I was unable to obtain a renunciation appointment at U.S. consulates in Canada in a timely manner -- because of the many U.S.–Canadian dual citizens wishing to renounce their U.S. citizenship in Canada.

I took the most extreme act of renouncing my U.S. citizenship to protect my non-U.S. (“pure”) Canadian citizen wife from harm.

Because my Canadian wife happened to marry me, a “U.S. person”, she suffered harm from the reporting requirements under FATCA, the Canadian Intergovernmental Agreement (IGA) that purportedly implements FATCA in Canada, the FBAR, and because of the impossibility of our financial retirement planning due to the laws enforced by FATCA.

Prior to my renunciation, my U.S. citizenship was a threat to my wife’s privacy and financial survival.

As a result of FATCA, the Canadian IGA, and FBAR, I was forced to disclose information, not only on my own local bank account in Canada, but also on my Canadian wife’s joint Canadian bank account with me.

My wife continually insisted, angrily, that I not turn over her private joint account information to a foreign government.

She explained that she is a Canadian citizen and *not* a U.S. citizen. Yet each year (up to and including the year of my renunciation) I acted against her wishes and

violated her privacy to comply with the reporting requirements. I did so to avoid excessively high penalties that would likely come from a “willful” violation.

Both my wife and I also feared the not unreasonable possibility of excessively high penalties imposed on our family that could come from a “non-willful” error in reporting --- an honest mistake. This is an anxiety that I believe is shared by most U.S. citizens living abroad who do their best to be FATCA compliant.

Once I fully appreciated my family’s situation, that my U.S. citizenship was a threat to my wife’s well-being, I realized that I had only one option: to renounce my U.S. citizenship.

As an American always proud of my country, renunciation of my valued U.S. citizenship was an action that I would never have imagined as a possibility. It has been a significant, severe ongoing harm to me, and one that I have yet to fully “accept”.

FATCA has harmed my family, countless other innocent Americans and their families, and the sovereignties and constitutions of all countries (including those of Canada) forced by the United States to submit to FATCA or suffer severe harm if non-compliant.

Please repeal this bad law.



Stephen John Kish

April 19, 2017
Toronto, Ontario
Canada