



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

January 26, 2026

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Impacted IRM: 4.26.17

MEMORANDUM FOR: ALL SB/SE FIELD AND SPECIALTY EXAMINATION REVENUE AGENTS
and MANAGERS;
ALL DIRECTORS, LB&I

FROM: Heather Yocum */s/ Heather J. Yocum*
Acting Director, Specialty Examination Policy

SUBJECT: Interim Guidance Updating Procedures for Soliciting FBAR Assessment
Statute Consents

Purpose: This memorandum issues guidance for soliciting a consent to extend the time provided by statute to assess civil FBAR penalties for either reporting or recordkeeping violations until IRM 4.26.17, Report of Foreign Bank and Financial Accounts (FBAR) Procedures, is updated.

Procedural Change: Frontline employees will begin using the following materials when soliciting a consent to extend the time to assess civil FBAR penalties:

- Form 15616, Consent to Extend the Time to Assess Civil FBAR Penalties
- Letter 907-B, Request to Extend FBAR Assessment Statute
- Letter 928-F, Request to Extend FBAR Statute – Follow-up
- Letter 929-B, Transmittal of FBAR Signed Consent
- Publication 5970, Extending the FBAR Penalty Assessment Period

Effective Date and Effect on Other Documents: This guidance is effective immediately and will be incorporated into IRM 4.26.17 no later than two years from the date of this memorandum.

Contact: Anthony Hampton, Acting Program Manager, Bank Secrecy Act Policy

Attachment

Distribution: IRS.gov

IRM 4.26.17.3.1.3, Extending the FBAR Statute of Limitations

(1) Unchanged

(2) Form 15616, Consent to Extend the Time to Assess Civil FBAR Penalties, must be used to extend the time provided by statute to assess civil FBAR penalties. Guidance for completing the form is as follows:

- a. A separate Form 15616 must be prepared for each filer. A joint Form 15616 is not permitted, regardless of whether a joint tax return was filed.
- b. Form 15616 is used to extend the time to assess penalties for both reporting and recordkeeping violations. However, separate forms must be used to extend the time for reporting and recordkeeping violations. The statutory period(s) for only one violation type can be extended per form. Input relevant calendar year(s) into either 1a or 1b, but not both.
- c. Determine the correct filer name for the consent. Follow procedures for filer name in accordance with IRM 25.6.22.6, Preparation of Consents for Specific Entities and Taxes.

Note: Disregard IRM 25.6.22.6.1.1, Joint Returns, for Form 15616 preparation. There can only be one filer per form.

- d. Calendar years are formatted YYYY. The years input in 1a or 1b must also be input in the “Calendar year(s)” field at the top of page 2.
- e. Verify the current address, FBAR year(s) to be extended, filer identification number and the expiration date are correct. The expiration date is formatted Month DD, YYYY.
- f. Use of Form 15616 does not invalidate any prior FBAR assessment statute consents or their language.
- g. Any deviation from the requirement to use Form 15616 to solicit an FBAR assessment statute consent requires coordination with Designated FBAR Counsel and BSA Policy. Form 15616 must not be modified.

(3) Unchanged

(4) Unchanged

(5) Procedures to solicit a consent to extend the FBAR statute of limitations are as follows:

- a. Obtain managerial approval to solicit a consent.
- b. Complete Form 15616 as described in IRM 4.26.17.3.1.3(2).
- c. Complete Letter 907-B, Request to Extend FBAR Assessment Statute. The calendar year(s) and expiration date must match Form 15616, including the formatting as described in IRM 4.26.17.3.1.3(2)(d). Generally, at least 10 calendar days from the date of issuance should be allowed for the filer to respond. Letter 907-B is signed by the frontline employee issuing the letter.
- d. Issue the signed Letter 907-B, two copies of Form 15616, and Publication 5970, Extending the FBAR Penalty Assessment Period.

Note: All correspondence must be issued separately to each filer receiving their own Form

15616. Joint correspondence is not permitted.

- e. If the filer is represented, issue the representative a completed Letter 937, Transmittal for Power of Attorney, with copies of Letter 907-B and Form 15616.
 - f. Publication 5970 includes information about the impact of the remaining time left on the statute on the appeal process. Refer to IRM 4.26.17.4.3.4, Closing the FBAR Case Appealed, for additional information on this subject to address any questions or concerns that may be raised.
 - g. If Form 15616 is not returned by the response date listed in Letter 907-B, complete Letter 928-F, Request to Extend FBAR Statute – Follow-up. Generally, at least 10 calendar days from the date of issuance should be allowed for the filer to respond. Letter 928-F is signed by the frontline employee issuing the letter.
 - h. Issue the signed Letter 928-F and two copies of Form 15616.
 - i. If the filer is represented, issue the representative a completed Letter 937 with copies of Letter 928-F and Form 15616.
 - j. Update activity record as to actions taken.
- (6) After receiving a properly executed consent form extending the FBAR assessment statute of limitations, the frontline employee should:
- a. Ensure the consent is properly date stamped by the receiving office.
 - b. Ensure the consent is properly executed by the filer or representative.
 - c. Ensure the filer and/or representative did not make any alterations, deletions, or impose any restrictions on the consent. A consent which was signed by a filer must not be unilaterally altered by an IRS employee.
 - d. If the consent is signed by a POA, verify the representative is authorized to sign the consent. The POA authorization must be valid at the time the consent is signed.
 - e. If the consent is signed by a corporate officer, verify the officer is empowered to sign the consent. Confirm the filer included the correct corporate name and the officer's title.
 - f. If the consent is signed by a fiduciary, secure Form 56, Notice Concerning Fiduciary Relationship, and documents that verify a fiduciary relationship.
 - g. Prepare Form 5348, AIMS/ERCS Update (Examination Update), to update the statute of limitations for the FBAR case (ASED) on ERCS.
 - h. Submit the consent, Form 5348 and POA document or other items bearing on validity of consent to the designated official for review and execution. Refer to IRM 1.2.2.15.13, Delegation Order 25-13 (Rev. 1), Enforcement of Report of Foreign Bank and Financial Accounts (FBAR) Requirements, for information on designated officials.
 - i. Continue with appropriate compliance activity.
- (7) Unchanged
- (8) The designated official is to:
- a. Review the consent and necessary supporting documents to determine the validity of the consent.
 - b. Sign and date the consent. Despite the current form revision lacking digital signature setup, designated officials may execute the FBAR consent digitally if desired, but that digital signature must meet the definition in IRM 4.26.17.1.7. The consent must be properly

countersigned by the appropriate Commissioner's delegate per Delegation Order 25-13 (formerly DO 4- 35, Rev. 1) in IRM 1.2.2.15.13, Delegation Order 25-13 (Rev. 1), Enforcement of Report of Foreign Bank and Financial Accounts (FBAR) Requirements. Ensure that when consents are being signed by an acting designated official, that person is appropriately designated to do so. A copy of any written acting designation should be attached to the consent.

- c. Verify the accuracy of Form 5348, initial and date.
- d. Direct the ASER to be updated on ERCS.
- e. Return the consent package to the frontline employee.

(9) The frontline employee takes these final actions:

- a. Copy of consent, together with a copy of the updated FMD are forwarded to CTR Operations by email. See Exhibit 4.26.17-2 for contact information.
- b. Retain one of the original fully executed consents in the FBAR case file
- c. Prepare and sign Letter 929-B, Transmittal of FBAR Signed Consent, and provide it to the filer with the executed Form 15616. If only one Form 15616 was returned by the filer or their representative, the original must be retained by the IRS. The frontline employee will instead provide a copy of the executed Form 15616 with Letter 929-B
- d. If the filer is represented, issue the representative a completed Letter 937 with a copy of Letter 929-B and a copy of the executed Form 15616.
- e. Retain original FMD in the FBAR case file.

(10) Unchanged

Exhibit 4.26.17-6, Consent to Extend the Time to Assess Civil Penalties for FBAR Violations

OBSOLETE