

The New IRS Voluntary Disclosure Program: What Practitioners Need to Know

Paul Marcotte was a panelist for a seminar titled “The New IRS Voluntary Disclosure Program: What Practitioners Need to Know” on Thursday, December 20, 2018 at 4:00 pm. The event was organized by STEP Mid Atlantic.

There was a presentation in person, followed by a holiday reception. The program was also live streamed as a free webinar for those who could not attend in person.

For more information, please visit STEP's website.

A summary of what the event covered is below.

On November 20, 2018, the IRS issued a memorandum that addresses the process for all domestic and offshore voluntary disclosures following the closing of the Offshore Voluntary Disclosure Program on September 28, 2018. The new voluntary disclosure practice enables U.S. taxpayers, whether residing in the U.S. or abroad, with exposure to criminal liability or substantial civil penalties due to a willful failure to report foreign financial assets and pay all tax due thereon, a way to comply with their Federal tax and reporting obligations, possibly avoid criminal prosecution, and resolve their civil tax and penalty obligations. Taxpayers with unfiled returns or unreported income who have no exposure to criminal liability or substantial civil penalties due to willful noncompliance could come into compliance using the Streamlined Filing Compliance Procedures, the delinquent FBAR submission procedures, or the delinquent international information return submission procedures.

Our panelists addressed:

- General background on IRS voluntary disclosure programs
- When the Updated Program is effective
- Which taxpayers should consider using the Updated Program
- Which taxpayers should not use the Updated Program
- Which taxpayers are eligible to use the Updated Program
- What benefits can be obtained through the Updated Program
- What is the disclosure period required under the Updated Program
- The role of the IRS Criminal Investigation Division in the Updated Program
- Will a taxpayer's amended returns be subject to audit
- Which penalties may be asserted under the Updated Program
- The role of Appeals in the Updated Program
- How FBAR non-compliance and the FBAR penalty regime fit within the Updated Program
- Can the taxpayer obtain a Closing Agreement
- Does the Updated Program provide as much certainty as the prior OVDP
- What are the consequences if a taxpayer does not use the Updated Program and the IRS audits the taxpayer
- Q&A