

**UPDATE: IRS EXTENDS DEADLINE FOR REPORTING CERTAIN OFFSHORE  
ACCOUNTS TO OCTOBER 15, 2009**

This further updates our previous Client Memoranda dated June 11, 19 and 25 and August 14, 2009.

On September 21, 2009, the Internal Revenue Service issued a News Release in which it extended, from September 23, 2009 to October 15, 2009, the deadline for voluntary disclosures “by taxpayers with unreported income from hidden offshore accounts.” The September 21 News Release states that this October 15, 2009 deadline will not be extended further. The IRS website separately states that the September 23, 2009 deadline for the “Report of Foreign Bank and Financial Accounts” (the “FBAR”) and certain other offshore-related information returns for certain filers with no unreported income is also extended until October 15, 2009.

Any U.S. person who has a “financial interest” in or “signature or other authority” over one or more bank accounts, securities accounts, or other financial accounts located in foreign countries with aggregate assets of more than \$10,000 must file an annual FBAR with the U.S. Department of Treasury. The FBAR is filed with the IRS on Form TD F 90-22.1.

The original deadline for filing FBARs for 2008 was June 30, 2009. The IRS had previously extended that deadline to September 23, 2009 for U.S. persons with a financial interest in a foreign account who reported and paid tax on all 2008 taxable income but only recently learned of an FBAR filing obligation and had insufficient time to gather the necessary information to complete the FBAR prior to June 30. A similar rule applies for delinquent FBAR filings for years prior to 2008 for taxpayers with no unreported income. Certain procedural conditions apply, as described in our June 25, 2009 Client Memorandum, and remain in effect with respect to the new October 15, 2009 deadline.

The IRS previously extended, to June 30, 2010, the FBAR filing deadline with respect to 2008 and earlier years for (1) persons having signature authority over, but no financial interest in, a foreign financial account and (2) persons with a financial interest in, or signature authority over, a commingled fund. The September 21, 2009 IRS News Release does not affect this deadline.

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If you have any questions regarding the foregoing, or need additional information, please contact Russell L. Smith (202-303-1116, rsmith@willkie.com); Joseph A. Riley (212-728-8715, jriley@willkie.com); Barbara Block (202-303-1178, bblock@willkie.com); Catherine A. Harrington (212-728-8531, charrington@willkie.com) or the attorney with whom you regularly work.

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September 23, 2009

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