



December 11, 2023

The Honorable Patrick McHenry
Chairman
House Financial Services Committee
2129 Rayburn HOB
Washington, DC 20515

The Honorable Sherrod Brown
Chairman
Senate Banking Committee
435 Russell SOB
Washington, DC 20510

The Honorable Maxine Waters
Ranking Member
House Financial Services Committee
4340 O'Neill HOB
Washington, DC 20515

The Honorable Tim Scott
Ranking Member
Senate Banking Committee
Russell SOB
Washington, DC 20510

Dear Chairman McHenry, Chairman Brown, Ranking Member Waters and Ranking Member Scott,

The AICPA, and the many organizations enumerated at the end of this letter, have grave concerns for the impending Financial Crimes Enforcement Network (FinCEN) Beneficial Ownership Information (BOI) reporting requirements which are expected to go into effect January 1, 2024. Despite the approaching effective date, and the advance outreach efforts by stakeholders in the business community to prepare small businesses for their new reporting requirements, the financial professionals who support the small business community are still working through many questions to prepare for these first-ever filings.

To assist FinCEN in providing reasonable time and additional opportunities for the business community to work through remaining questions, **we ask that you include H.R. 4035 and S. 2623, the *Protecting Small Business Information Act of 2023*, or similar legislation to delay, in any year-end legislative package.** This bill would delay the BOI reporting requirements until all three rules under the *Corporate Transparency Act* have all been finalized and specifies that all such rules would take effect on the same date.

We are still working to understand unclear, vague definitions in the rule, and although we believe accountants, such as Certified Public Accountants (CPAs), can assist their small business clients on the vast majority of these filings, many questions remain around more complex business arrangements. While we and other stakeholders work to answer these questions we need additional input, including access to the filing form or platform, which has not yet been released by FinCEN to help inform any guidance we give our membership.

Just last month, we outlined several remaining concerns in a letter¹ to FinCEN during FinCEN’s public comment period on Docket Number FINCEN-2023-0014 related to the extended deadline to file for entities created or registered during 2024 from 30 days to 90 days. In our letter and in previous communications to FinCEN, we have recommended that at minimum, the deadline for new entities should be one year from the creation of that entity, as well as entities making updates or corrections to their filings. The penalties for non-compliance are disproportionately steep for small businesses, and an August 2023 survey of small businesses by the National Federation of Independent Businesses (NFIB) shows a clear lack of awareness by the small business community² about the BOI reporting requirement. Small businesses should have a reasonable chance at compliance and as we said in our October 30, 2023, letter, “FinCEN should give all businesses a fair time frame to gain awareness and a reasonable time frame to comply with the BOI requirements.” The financial professional community supporting the small businesses expected to file BOI beginning in January need additional time to work through these and other questions that still remain with this new reporting requirement.

Thank you for your consideration and for your ongoing support on this issue. If you have any questions, please contact Kate Kiley, AICPA Director — Congressional and Political Affairs at 202-434-9219, or Kate.Kiley@aicpa-cima.com; or Melanie Lauridsen, AICPA Vice President — Tax Policy & Advocacy, at (202) 434-9235 or Melanie.Lauridsen@aicpa-cima.com.

Sincerely,



Susan S. Coffey, CPA, CGMA
Chief Executive Officer – Public Accounting

Additional organizations in support:

Alabama Society of CPAs
Alaska Society of CPAs
Arizona Society of CPAs
Arkansas Society of CPAs
California Society of CPAs
Colorado Society of CPAs
Connecticut Society of CPAs
Delaware Society of CPAs

Greater Washington Society of CPAs
Florida Institute of CPAs
The Georgia Society of CPAs
Guam Society of CPAs
Hawaii Society of CPAs
Idaho Society of CPAs
Illinois CPA Society
Indiana CPA Society

¹ <https://www.regulations.gov/comment/FINCEN-2023-0014-0051>

² NFIB Research Center, “[Banking Survey, Part II](#),” August 2023.

Iowa Society of CPAs
Kansas Society of CPAs
Kentucky Society of CPAs
Society of Louisiana CPAs
Maine Society of CPAs
Maryland Association of CPAs
Massachusetts Society of CPAs
Michigan Association of CPAs
Minnesota Society of CPAs
Mississippi Society of CPAs
Missouri Society of CPAs
Montana Society of CPAs
Nebraska Society of CPAs
Nevada Society of CPAs
New Hampshire Society of CPAs
New Jersey Society of CPAs
New Mexico Society of CPAs
New York State Society of CPAs
North Carolina Association of CPAs

North Dakota CPA Society
The Ohio Society of CPAs
Oklahoma Society of CPAs
Oregon Society of CPAs
Pennsylvania Institute of CPAs
Puerto Rico Society of CPAs
Rhode Island Society of CPAs
South Carolina Association of CPAs
South Dakota CPA Society
Tennessee Society of CPAs
Texas Society of CPAs
Utah Association of CPAs
Vermont Society of CPAs
Virgin Islands Society of CPAs
Virginia Society of CPAs
Washington Society of CPAs
West Virginia Society of CPAs
Wisconsin Institute of CPAs
Wyoming Society of CPAs