AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

(3) *Interests in estates, pension plans, and deferred compensation plans.*

(i) *Maximum value.* The maximum value of a specified person's interest in a foreign estate, foreign pension plan, or a foreign deferred compensation plan is the fair market value, determined as of the last day of the taxable year, of the specified person's beneficial interest in the assets of the foreign estate, foreign pension plan, or foreign deferred compensation plan. If the specified person does not know or have reason to know based on readily accessible information such fair market value, the maximum value to be reported is the fair market value, determined as of the last day of the taxable year, of the currency and other property distributed during the taxable year to the specified person as a beneficiary or participant.

(ii) *Reporting threshold.* For purposes of determining the aggregate value of specified foreign financial assets in which a specified person has an interest, if the specified person does not know or have reason to know based on readily accessible information the fair market value of the person's interest in a foreign estate, foreign pension plan, or foreign deferred compensation plan during the taxable year, the value to be included in determining the aggregate value of the specified foreign financial assets is the fair market value, determined as of the last day of the taxable year, of the currency and other property distributed during the taxable year to the specified person as a beneficiary or participant.

(g) *Effective/applicability dates.* This section applies to taxable years ending after December 19, 2011. Taxpayers may elect to apply the rules of this section to taxable years ending prior to December 19, 2011.

(h) *Expiration date.* The applicability of this section expires December 12, 2014.

[T.D. 9567, 76 FR 78564, Dec. 19, 2011, as amended at 77 FR 9845, Feb. 21, 2012]

§ 1.6038D–6T Specified domestic entities (temporary). [Reserved]

§ 1.6038D–7T Exceptions from the reporting of certain assets under Section 6038D (temporary).

(a) *Elimination of duplicative reporting of assets*—(1) *In general.* A specified person is not required to report a specified foreign financial asset on Form 8938, ''Statement of Specified Foreign Financial Assets,'' if the specified person—

(i) Reports the asset on at least one of the following forms timely filed with the Internal Revenue Service for the taxable year—

(A) Form 3520, ''Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts'' (in the case of a specified person who is the beneficiary of a foreign trust);

(B) Form 5471, ''Information Return of U.S. Persons With Respect to Certain Foreign Corporations'';

(C) Form 8621, ''Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund'';

(D) Form 8865, ''Return of U.S. Persons With Respect to Certain Foreign Partnerships''; or

(E) Form 8891, ''U.S. Information Return for Beneficiaries of Certain Canadian Registered Retirement Plans''; or

(F) Any other form under Title 26 of the United States Code timely filed with the Internal Revenue Service and identified for this purpose by the Secretary in regulations or other guidance; and

(ii) Reports on Form 8938 the filing of the form on which the asset is reported.

(2) *Foreign grantor trusts.* A specified person that is treated as an owner of a foreign trust or any portion of a foreign trust under sections 671 through 679 is not required to report any specified foreign financial assets held by the foreign trust on Form 8938, provided—

(i) The specified person reports the trust on a Form 3520 timely filed with the Internal Revenue Service for the taxable year;

(ii) The trust timely files Form 3520–A, ''Annual Information Return of Foreign Trust With a U.S. Owner,'' with