

# OVERSEAS AMERICANS WEEK

May 8th to May 12th, 2023

## Post-COVID Renewal

Overseas Americans Week (OAW) has for many years been the focal point for AARO's advocacy efforts. The 2023 edition of OAW, which took place from May 8-12, 2023 was notable for the renewal of this important tradition after a three-year Covid induced hiatus. While we may have maintained close contact with congressional offices the past three years this year's OAW demonstrated that nothing replaces the value of having the opportunity to meet in person with Congresspersons and their staff, government agencies, researchers, think tanks and other organizations which share our concerns. Washington, D.C remains a town where personal contacts are critical.

By being present in person, the OAW team was able to establish close working relationships with several new key congressional staff members and the recently appointed directors of the National Taxpayer Advocate (IRS) and the Bureau of Consular Affairs (State Department) as well as offering the opportunity to meet in person with three Congresspersons. Our physical presence enabled the creation of ongoing dynamic relationships with individuals at organizations which were new to OAW, notably the American Enterprise and Cato Institutes, which had the immediate benefit of enlightening the team on the "insider" status of proposed legislation. This greatly facilitating discussion with congressional staffs the very next day. The pleasure of meeting with a local AARO member led to the arrangement of a meeting with the Association of Foreign Services Officers we believe will prove of great mutual benefit to both of our organizations. In addition to permitting the ushering in of new relationships, the OAW's team's personal presence in Washington strengthened long established relationships, notably the decade-long one with the US Election Assistance Commission and with American Citizens Abroad.

## The OAW Team

The OAW team was composed of AARO Board members, Laura Snyder (Tax), Paul Atkinson (Banking) and Fred Einbinder (Advocacy), and AARO President, Doris Speer. This AARO contingent was joined by the Federation of American Women's Clubs Overseas (FAWCO) long-



time OAW delegate, Johanna Dishongh. Coping with the serious challenges inherent with arranging dozens of meetings was greatly facilitated by the organizational assistance provided to the team from Paris by OAW veteran and former AARO board member, Ellen Lebelle.

## **This Year's Major Innovation – The 535 Campaign**

This OAW was marked by a major innovation- the use of comments made as part of the [Dear 535 Campaign](#). This Campaign, conceived by long-time AARO member, Eric Fenster, was designed to make tangible to congresspersons the very real issues faced by Americans living abroad by directly presenting strong messages through comments by their constituents to congressional offices.

These comments made in response to surveys developed and distributed by AARO and SEAT (Stop Extraterritorial American Taxation) by respectively, AARO president, Doris Speer, and SEAT president and AARO board member, Laura Snyder, were sent to every member of Congress prior to OAW.

These 535 Campaign comments, painstakingly allocated by constituency, were also handed out at the beginning of each of the 50-some meetings of the OAW team in congressional offices. Without exception, congressional staff showed great interest, often reading the comments as team members introduced themselves. This innovation proved to be an ideal entry point into discussions on access to banking, compliance burdens and citizenship based taxation, issues 'brought home' through words used by voting constituents themselves.

## **OAW Highlights**

### **Reinvigoration of Americans Abroad Caucus**

During her tenure in Congress, Rep. Carolyn Mahoney (D. NY), acted as the “champion” for overseas Americans as Chair of the Americans Abroad Caucus, a bi-partisan group of Congresspersons whose creation was a brainchild of AARO Board member and former VP for Advocacy, Andy Coyne, over 15 years ago.

Fortunately, the Caucus, whose valuable work might have been destabilized by Rep. Maloney's departure from Congress, has been reinvigorated in both its composition and scope by Rep. Dina Titus (D. NV), who assumed the mantle of its leadership in 2022.

Rep. Titus' strong commitment to helping Americans abroad through the work of the Caucus is shared in particular by Rep. Elvira Salazar (R. FL) and Rep. Don Beyer (D. VA), whose dynamism in support of Americans abroad is demonstrated, respectively, in their ensuring of support for the Caucus among Republicans and the introduction of legislation aimed at reducing the tax burdens of overseas Americans (the Tax Simplification for Americans Abroad Act, H.R. 6057 in the 117th Congress).

The highly successful OAW team meetings with Representatives Titus, Sanchez and Beyer's congressional staff were therefore of great importance. Through this personal contact we were able to deepen our existing relationships, which has resulted in the development of concrete strategies for advancing legislative measures supported by the Caucus, notably the establishment of a Commission on Americans Living Abroad (H.R. 2729) and welcome recent reciprocal initiatives such as Rep. Titus' office's request for AARO's expression of support to bolster its advocacy for extending Medicare benefits to Americans overseas in correspondence to the U.S. Department of Health and Human Services.

The OAW team built on the foundation consolidated in its key meetings with these three dynamic Caucus leaders by urging all the Congresspersons visited to join the Caucus if not yet a member, or actively strengthen their support for the Caucus for those already enrolled.

The detailed interactions with Caucus leaders also greatly facilitated our efforts to familiarize Senate offices on the status of House legislation affecting Americans abroad.

## **Personal Meetings with Congresspersons and Staff of Key Leaders, Personal Vignettes**

Due to their exacting work schedules, Congresspersons are rarely available to spend time discussing the concerns of visiting delegations such as the OAW team except perhaps for a fleeting photo opportunity.

Our meetings and serious discussions with three congresspersons during OAW may therefore legitimately be considered as highlights of our mission. These direct meetings were scheduled thanks to the serendipity of personal contacts with AARO advocacy demonstrating that it is still possible to speak directly to power without recourse to paid lobbying or campaign contributions.

The three meetings exemplified the bi-partisan, targeted AARO approach to advocacy in Washington during OAW and throughout the year. Danny Davis (D. IL) has long represented a major urban district and is a Caucus member. His Chief of Staff had showed interest in how the issues of Americans abroad, such as access to banking, were germane to constituents in Chicago in previous OAW encounters. Jay Obernolte (R.CA), on the other hand, is a first-term congressman from a largely rural district who until recently was unaware of the issues facing Americans abroad but who showed keen interest and was remarkably well prepared for our meeting as shown by the specific concrete questions he asked about our situation.



Stacey Plaskett (D. VI) graciously spent considerable time enlightening us on the ins and outs of the actual work of non-voting Congressional Representatives and their far greater opportunity for broad action in the House than commonly thought. She freely provided counsel on strategy that will be of great assistance to the committee, chaired by AARO Board member, Ross Feingold, which is examining possible opportunities for a non-voting Representative for Americans abroad. She also informed us from whom we could seek further guidance from amongst the other non-voting Congressional Representatives.

## Senate and House Leaders - A Targeted Approach

While the 535 Campaign may have included every member of Congress in its mailings, the number of Congressional meetings during OAW, although substantial (approximately 50), was necessarily limited. In organizing meetings, AARO advocacy therefore used a targeted approach, focusing on existing and likely to be recruited members of the Americans Abroad Caucus and members of committees whose work impacts Americans overseas, notably Finance, Taxation and Foreign Relations.

Beyond membership in particular Committees, ongoing relations with key leaders, particularly Senators given their longer tenure and office resources, are sought. Once established, these relations could be nurtured over the years at each OAW as well as by specific contacts and visits to these leaders' home offices.

This targeting of influential Senators and House leaders is illustrated by meetings we held with the following staffs at OAW:

**Senators:**

Elizabeth Warren (D. MA)

Amy Klobuchar (D. MN)

Bernie Sanders (D. VT)

Richard Durbin (D. IL)

Mario Rubio (R. FL)

Bob Casey (R. PA)

Senate Joint Committee on Taxation staff (Senator Wyden (D. OR), Chair)

**House:**

Jim Clayburn (D. SC)

Patrick McHenry (R. NC) Chair of House Finance Committee

This is just a subset of the meetings we arranged. In addition to the above persons, we held many other meetings with other Congresspersons and/or their staff.

## **OAW Team Congressional Vignettes**

Every OAW engenders a few instances of pure joy (and the usually singular unsettling encounter with a less than welcoming staff member). The former included the last meeting in our most hectic first day in House offices where the full OAW contingent was able to decompress thanks to the laughing generated by humorous references to the central Illinois upbringing of an AARO Board member in the offices of Darin LaHood (R. IL), which furthered rather than diminished the seriousness of this most useful visit.

And “pure Michigan joy” was in evidence to behold by the author of this OAW summary in the visit by our President Doris Speer to her Michigan Senator Gary Peters office, where the close relationship she established directly with the Senator in Paris in 2016 was renewed with a brilliant young staffer with considerable international ties and background, auguring well for the future of our advocacy efforts in this office.

## **Administrative Agencies**

## **The State Bureau of Consular Affairs of the U.S. Department of State**

OAW always includes a visit to the State Bureau of Consular Affairs, and the 2023 edition was no exception. This visit was important as it permitted the delegation to relate issues faced by Americans living abroad when they seek assistance from consular offices worldwide. These include access to and the cost of consular services, delays in obtaining documents such as passport renewals, the dissemination of useful information to U.S. citizens resident in foreign countries on security and administrative requirements, evacuation policy, and implementation and the scrutiny of documentation for establishing citizenship and civil status.

Our post Covid OAW renewal was especially useful at the State Bureau of Consular Affairs as it enabled us to meet for the first time with the Director of American Citizen Services, Kimberly Furnish, who had been appointed the previous year. Director Furnish was refreshingly transparent in responding to concerns we expressed on evacuation policy and the implementation and difficulties inherent in assessing documentation (and its absence) in overburdened countries, in particular Mexico. These two topics had been highlighted to us by Ross Feingold, Taipei-based AARO Board member, and Tran Dang, Mexico-based AARO member and Founder of the Rhizome Center for Migrants, illustrating the focal point value of OAW.

## **Taxpayer Advocate Service / National Taxpayer Advocate (IRS)**

The Taxpayer Advocate Service (TAS) is an affiliate, but independent, of the IRS. It provides a voice for and defends taxpayer rights in their dealings with the IRS and makes public recommendations to the IRS, Treasury and Congress aimed at improving the workings of the IRS, easing taxpayers' administrative burdens and preserving the fundamental rights of taxpayers enumerated in the Taxpayers' Bill of Rights. The head of the TAS is the National Taxpayer Advocate (NTA).

Our meeting with the TAS, similarly to other crucial encounters during the week, demonstrated the value of OAW's 'renewal' enabling us to meet and engage in a most fruitful exchange with the new National Taxpayer Advocate, Erin Collins, whose dynamism, forthrightness and willingness to confront the IRS bureaucracy greatly impressed the team.

NTA Collins had arranged the participation at the meeting of TAS's most experienced legal experts, illustrating her strong interest in working with us on concrete issues and her practical bent developed over a decades-long career in private tax law practice. This desire for collaboration was exemplified by her request to be placed on AARO's mailing list to ensure TAS' familiarity with our reflections and proposals on taxation issues and



the exchange of contact information with her team in order to share the latest legislative, regulatory and judicial developments.

The TAS has in recent years showed increased concern with the problems encountered by Americans abroad engendered by citizenship-based taxation, FATCA, FBAR and other disclosure requirements.

Not surprisingly, Board member Laura Snyder's presence at our meeting with NTA Collins and her team was particularly appreciated, due to her service for three years (2018-2021) on the Taxpayer Advocacy Panel (TAP), a Federal Advisory Committee which acts as a voice between the IRS and the general public. AARO member and Democrats Abroad Chair of Taxation Task Force Rebecca Lammers has taken up the TAP mantle since 2022. The personal interaction of Laura Snyder in this meeting contributed to the setting up of ongoing lines of communication and agreement on support for concrete measures aimed at assisting American citizens abroad.

Examples of such measures include the NTA's recommendation (published in the annual report known as the "[Purple Book](#)") to increase the burden of proof on the IRS for declaring a FBAR filing failure "willful" and to reduce the maximum penalty for willful violations. The Purple Book also contains a recommendation to require the Treasury Department to submit proposed regulations to the National Taxpayer Advocate for comment and to address any comments formally submitted by the National Taxpayer Advocate. A new bill (H.R. 3789), the "[Clear Act](#)," has been proposed in this Congress which addresses this second recommendation. AARO strongly supports both initiatives.

## **Election Assistance Office of the Federal Election Commission**

Our "renewal" OAW of 2023 earned its moniker through the re-establishment of long-established personal relationships with Washington leaders. Our meeting with Commissioner Tom Hicks, a true friend of AARO and FAWCO, with whom we have met to discuss voting issues every year (excepting the Covid hiatus) since 2014 enabled us to once again receive useful general counsel on voting issues strategies (such as the 12 U.S. States which do not permit nonresidents to vote in federal elections) while reminiscing about past meetings and personal relationships. Commissioner Hicks reminisced fondly his interactions with past AARO President Lucy Laederich.

## **Private Organizations and Researchers**

### **National Enterprise Institute and Cato institute**

AARO's banking chair, Paul Atkinson, innovated this year by arranging useful meetings at the beginning of the week with experienced leaders at two well-known D.C. "think tanks," the National Enterprise and Cato Institutes. These meetings had immediate positive results for OAW as we learned of "hot off the press" legislative initiatives and most useful D.C. 'practice.' This enabled us to aptly exchange with the congresspersons supporting these initiatives, privacy aspects of financial disclosures compliance, in our first meetings in Congress.

In addition, we were apprised of probable legal challenges to the privacy issues being developed, which we are closely following in contact with the personal relationships established in our meetings.

### **American Bankers Association**

We renewed our long-term personal relationship with the American Bankers Association, meeting once again with its director, Michael Gullette, who introduced us to brand new recruits on his team who are experts on financial reporting compliance issues, which pose so many problems for Americans abroad.

We set up lines of communication intended to permit our organizations to collaborate in hopefully reducing administrative compliance burdens for financial institutions and existing and potential customers, in particular Americans abroad who are judged by banks to lack sufficient contacts in the US to permit investment.

We were amazed to discover that the maddening well known major flaws in the IRS computer system not only affect individual AARO and FAWCO members, but have resulted in rocambolesque errors with significant cost, security and privacy consequences for major US banks.

### **Heitor David Pinto-Researcher 'Hors Pair'**

OAW was an ideal time to examine the thought-provoking reflections and sophisticated calculations of our most knowledgeable friend, economist and tax researcher David Pinto on questions of vital importance for Americans abroad. These included, notably, data-based estimates and underlying assumptions of the number of Americans living abroad (which he estimates at approximately at 5.3 million, a figure in the middle of the broad range of between 3 and 9 million cited by several organizations); critical analysis of assumptions; and calculations of the actual tax "revenue" collected by the U.S. government from taxation of overseas Americans and from FATCA compliance. This information is vital for bolstering our advocacy for the abolition of citizenship-based taxation and its replacement by resident based taxation.



Intense evening discussions with David on his work after the Team's long first day visiting Congress has become an OAW tradition, which facilitates our ongoing dialogue with an incredibly useful independent volunteer who is a great source of data and reflections on Americans abroad.



## **AGM Presentation and Press Event**

### **AGM Presentation**

The importance of this year's OAW rebirth was underlined by the placement of a presentation of OAW at the center of AAROs June 2nd, 2023, 50th anniversary AGM (Annual General Meeting) by President Doris Speer, Advocacy VP Fred Einbinder and Banking Committee Chair Paul Atkinson. The presentation, a [video](#), of which is available on our website, included answers to questions from AARO members present as well as those participating online, leading to several post-presentation conversations and suggestions for further advocacy work from interested members.

### **Overseas Americans Press Event - 15th, 2023**

A [press event](#), hosted by Democrats Abroad on a non-partisan open invitation format, was held in Washington D.C. on June 15th with the active participation as speaker of AARO Board member, Laura Snyder. The event was held, generally, to raise awareness of the issues faced by overseas Americans and, more specifically, of H.R. 2729, the [Commission on Americans Living Abroad Act of 2023](#), introduced by Rep Titus (D. NV) and co-sponsored by Rep. Beyer (D. VA) (among others). This event provides a specific example of OAWs importance in fostering contacts and inciting follow up actions designed at implementing AAROs overall advocacy objectives.

## Going Forward

OAW serves as the focal point of AAROs advocacy efforts. It is intended to ensure necessary personal contacts, foster reflection and elicit suggestions and support for further advocacy on the myriad concerns of AARO members, as proven by OAW 2023.

Our work continues. To facilitate greater AARO member information and involvement we will, in addition to announcements and articles in News and Views, add to the AARO website follow up features on ongoing legislation of interest to Americans abroad and specific advocacy initiatives.



Laura, Fred, Doris and Paul (photo at left) are always pleased to receive your suggestions and comments.