

Dear President Obama: Don't Forget the Expats

Monday, 08 December 2008

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Dear President-Elect Obama,

The following summarizes positions you stated in official correspondence with the Association of Americans Resident Overseas and American Citizens Abroad prior to the election. Please don't forget the following:

1. Count Us

The above number of 6.6 million is based on State Department estimates. But, as many Americans don't know to or don't choose to register with the State Department when moving abroad, pretty much everyone acknowledges that these numbers are widely off.

The U.S. Census currently has no way of counting Americans living permanently abroad. As a candidate, you said you'd ask the Census department to figure this out. Don't forget now that if we're not counted, we don't count.

2. No Taxation Without Representation

One of the reasons why Americans abroad would choose not to register with the State Department is because they believe that information is shared with the IRS and, yes, they're avoiding the IRS. (For the record, the State Department says it does not share that information with the IRS.)

Does this mean that overseas Americans are all tax cheats? Or maybe does it mean the US policy of basing filing and payment requirements on citizenship rather than residency is unfair and discourages Americans from moving overseas and participating in a global economy? After all, the US is the only major industrialized country to impose a policy that means its citizens are simultaneously subject to taxation at home and abroad.

In regards to this issue, as a candidate, you said: "Our government must work to ensure that overseas Americans have every chance to compete on a level playing field…"

So, if we can't get out of filing altogether, please consider removing the cap on foreign-earned income as proposed by the Working Americans Competitiveness Act (S.1140; H.R. 4752). At the very least, please repeal the 2006 "stacking" measure that automatically pushed many overseas Americans into higher tax brackets.

3. Speaking of Representation

In 2007, Representatives Carolyn Maloney (D-NY) and Joe Wilson (R-SC) launched the Americans Abroad Caucus; it now boasts 24 members in the House and is the first official foothold for expats on Capital Hill.

When running for president, you promised to work to "establish a direct dialogue with Americans abroad".

To that end, please consider creating an executive office dedicated to our issues (akin to the Puerto Rico Federal Affairs Administration) as well as supporting the creation of a non-voting delegation of overseas Americans to one or both houses.

4. Voting Reform

Although private organizations like the Overseas Vote Foundation have greatly increased overseas voter participation, voting from abroad is still too complicated and surveys from the Election Assistance Commission prove that many ballots either never make it to overseas voters' mailboxes or are never counted.

In the past, you have supported the Overseas Vote Act (H. R. 4173), the Overseas Voting Practical Amendments Act of 2007 (H.R.4237), and "full funding to implement the Help America Vote Act", three pieces of legislation that together would simplify registration for those with no permanent stateside address, including those citizens born abroad who have never established state residency. (This last is made explicit by the Universal Right to Vote by Mail Act of 2007, H.R.281, which amends the Help America Vote Act of 2002.)

Let's get those passed.

5. Citizenship

You have acknowledged that thousands of children of American expats are born or adopted each year "stateless". This is mostly because of ignorance of the administrative requirements for citizenship transmission.

(Those especially likely to fall through administrative cracks include children adopted abroad and those born to unwed American fathers, who must sign an affidavit acknowledging paternity and promising financial support before the citizenship claim can be considered.)

Your campaign headquarters said you would work on educating overseas Americans on their rights: "In an Obama administration, the U.S. State Department will work to ensure that U.S. regulations on reporting the birth of a child born to an American parent abroad are more widely communicated to Americans living abroad. Obama will also work to ensure U.S. embassies and consulates streamline the citizenship claim process for American children born abroad."

6. Medicare and Social Security

There were a couple of issues you declined to comment on directly prior to the election, such as extending Medicare benefits so they cover retirees abroad.

Currently, the Tricare system is available only to military families and retirees; what about civilian retirees who have paid into the system but are left to fend for their own healthcare needs if they retire abroad?

But you did say you will "make sure that the Social Security Administration guidelines on receiving Social Security benefits abroad are made more accessible to overseas American."

We wish you'd gone as far as Candidate McCain in promising to consider changing the Social Security regulations that pertain to Americans who work abroad for long periods.

Under current rules, the "Windfall Elimination Provision" or WEP applies to Americans eligible for both Social Security in the US and some other kind of retirement benefit from another country.

The WEP means that their Social Security benefits are calculated differently than for American workers who stay home and often means they end up with a smaller check even if their contribution was the same. At the same time, Americans living overseas are prohibited from contributing to Social Security while abroad, even if they continue to pay taxes.

In addition to creating a more proactive Social Security administration overseas, we would ask you as President to think again about supporting the Social Security Fairness Act of 2007 (H.R. 82 and S. 206), which would eliminate the WEP.

We know you're real busy, President-Elect Obama, and none of the above will probably seem that urgent compared to saving the economy, ending the war in Iraq, closing Guantanamo or making sure American soldiers are clear on what defines torture.

But there are a lot of us American civilians living abroad and we are often referred to as "unofficial ambassadors". These changes would make it easier for us to stay out here in the world, helping you refurbish that American image.

So, please stay in touch and best of luck with the new job.

Sincerely,
Francey Pants