



AMERICAN CITIZENS ABROAD
EDUCATE, ADVOCATE AND INFORM
AMERICAN CITIZENS ABROAD
global foundation FOR EDUCATION AND RESEARCH

August 11, 2022

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

The Honorable Lily Batchelder
Assistant Secretary (Tax Policy)
Office of Tax Policy
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Richard Neal
Chairman
Ways and Means Committee
United States House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

Aruna Kalyanam
Deputy Assistant Secretary
(Legislative Affairs, Tax and Budget)
Office of Legislative Affairs
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Yellen, Commissioner Rettig, Assistant Secretary Batchelder, Deputy Assistant Secretary Kalyanam, and Chairman Neal,

American Citizens Abroad, Inc. (ACA) is a leading advocacy organization representing US citizens living and working overseas. Headquartered in Washington, DC, ACA is nonpartisan, non-profit (section 501(c)(4)), with a 40-plus-year history of advocating on behalf of the community of Americans living and working overseas. Alongside ACA is its sister charitable (section 501(c)(3)) research and education organization American Citizens Global Foundation (ACAGF).

ACA is once again requesting that the US Treasury consider regulations to alleviate the burdensome reporting requirements and fall out from the Foreign Account Tax Compliance Act (FATCA) that locks-out many US citizens from maintaining bank accounts and financial investment accounts overseas in the foreign jurisdictions where they are legitimate residents. These accounts are not “off-shore” for US citizens who are legitimate residents in these countries and should be viewed differently than US citizens resident in the United States and holding accounts in foreign jurisdictions which should clearly be considered “off-shore.”

In [2013](#) and [2016](#) ACA wrote to the US Treasury recommending the application of Same Country Exemption (SCE). This would remove from the reporting of both Foreign Financial Institutions (FFIs) through the IRS and the IGAs and individuals (Form 8938), bank and investment accounts in the country where they are legitimately resident thus alleviating the many problems US citizens overseas face due to FATCA reporting. See: [same-country-](#)



[exemption-2015-04-06.pdf \(americansabroad.org\)](#). In [2015](#), members of Congress also wrote to Treasury asking for similar treatment for FATCA reporting.

Recently Representative Doggett [wrote your offices](#) asking that the US Treasury and the IRS work together to address the problems that “accidental Americans” are facing with procurement of Taxpayer Identification Numbers/Social Security Numbers in order for these individuals to maintain their banking relationships overseas. ACA applauds Congressman Doggett’s efforts, but it should be remembered that the problems created by FATCA are not exclusive to accidental Americans and not solely related to the procurement of Social Security Numbers.

ACA Global Foundation’s (ACAGF) recent [research](#) fielded with District Economic Group (DEG) and presented earlier this year to the Office of Tax Analyst (OTA) estimates the community of overseas taxpayers (non-military) at 4 million. Our recent research is critical to understanding the community of US citizens living and working overseas as it documents the asset and investment make-up and tax reporting behavior of the community. Our research supports that the ultimate corrective measure for all the tax and compliance issues facing US citizens living and working overseas is a move to [Residence-based taxation \(RBT\)](#).

ACA strongly believes that the Congress and offices of the Administration should support the call for hearings on all the tax and compliance issues facing the US citizens overseas community. Only in this manner can the Congress and the Administration understand the extent of the problems and the issues and create legislation and regulations with corrective measures that address the problems. ACA has been on the forefront for the call for hearings and we ask that Chairman Neal make this a priority for the House Ways & Means Committee. Through ACA’s write-in campaign, Chairman Neal and the Committee have received thousands of requests from the community to hold hearings. Never in the history of the US Congress have hearings been held specifically on all the tax and compliance issues for this community of US citizens 4 million strong. It is time for this community’s issues to be heard by their elected officials and officially put on record with the Congress.

Regards.

Marylouise Serrato
Executive Director
American Citizens Abroad

Charles Bruce
Legal Counsel
American Citizens Abroad

Jonathan Lachowitz
Chairman
American Citizens Abroad

CC: Representative Carolyn Maloney
Co-Chair of the Americans Abroad Caucus

Representative Donald S. Beyer, Jr.
Member, Americans Abroad Caucus

Representative Maria Salazar
Co-Chair, Americans Abroad Caucus

Erin M. Collins
National Taxpayer Advocate

Representative Dina Titus
Co-Chair, Americans Abroad Caucus