



**THE UNITED STATES WOULD BE A  
SAFER, STRONGER, WISER AND  
MORE PROSPEROUS NATION**



**IF OVERSEAS AMERICANS HAD  
THEIR OWN DIRECTLY ELECTED  
DELEGATION IN THE U.S. CONGRESS**



***BACKGROUND  
AND DRAFT LEGISLATION***

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DIRECTLY ELECTED DELEGATION  
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**THE RECOMMENDATION**

- *Congress should grant the 4 million U.S. citizens living and working abroad in the private sector the right to directly elect their own Congressional delegation, This would be equivalent in size and composition to that currently representing the 25<sup>th</sup> largest state, Kentucky, whose population is comparable to that of the private sector overseas American community. Overseas Americans would therefore be able to directly elect six Delegates to the U.S. House of Representatives and two Delegates to the U.S. Senate.*

**SUMMARY OF THE PROPOSAL**

- **The Direct Representation of Overseas Americans in the U.S. Congress Would Offer Major Advantages to All Americans:** Thirty years ago, when Overseas Americans were first allowed to vote in U.S. federal elections, it was widely anticipated that this would enable them to play a much more valuable and direct role in contributing to the safety, strength, wisdom and prosperity of the United States. This has not happened so far.
- **Overseas Americans Should Be Empowered to Play a More Direct and Active Role:** Given the radical changes taking place throughout the world, and the unique knowledge and experience overseas Americans in the private sector acquire through living and working in foreign markets, cultures and political systems, it is surely in the best interest of our nation to open up new and more efficient channels of communication between the legislative and executive branches of the U.S. Government and U.S. citizens residing overseas, and to give a separate voice in the Congress to represent this uniquely valuable constituency.
- **The Size of the Overseas American Community:** The population of the overseas American community currently numbers 4.1 million, as reported by a recent study on the website of the U.S. Department of State. This population exceeds that of each of the 26 smallest states in the United States. The 25<sup>th</sup> largest state, Kentucky, currently is represented in the U.S. Congress by a delegation consisting of six Members of the House of Representatives and two U.S. Senators.
- **There is Still No Focal Point for Overseas Americans in the U.S. Government:** Despite the size and importance of the overseas American community there is not a single individual in the U.S. Government today, in the Congress, or in the Administration, who has been assigned or who has assumed the responsibility for looking after the full scope of the concerns and interests of Americans abroad and how this impacts on the lives of Americans back home. Every policy issue that arises is addressed separately so no complete picture is ever assembled.
- **No Proper Attention is Being Paid to the Nature of the Worldwide Level Playing Field:** There is also no place in the U.S. Government today where the treatment of overseas Americans is compared to the treatment of overseas citizens of other countries by their home country governments. In our rapidly globalizing world, there is a total vacuum of such comparative knowledge in Washington today, hence there is total ignorance about the real nature of the level playing field for world trade and how Americans are faring in competing in the world marketplace.

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- **Negative policies towards Overseas Americans are Rife and Cumulative:** Overseas Americans, who in the aggregate pay \$3 billion per year in U.S. Federal income taxes in addition to the taxes paid on the same income to their foreign countries of residence, are the only overseas citizens of any of the major trading countries of the world to face taxation of their foreign income by their home country. When they retire, the Social Security benefits for which they have contributed, are significantly and unfairly reduced. Medicare benefits are denied even though many Overseas Americans have paid for them. Citizenship and voting rights of American children born abroad are often impeded or denied. Other laws and regulations similarly manifest profoundly negative attitudes toward Overseas Americans today. Unfortunately, there are no efficient mechanisms in our current political system to try to incorporate these myriad challenges into a single coherent picture, nor to redress these grievances in whole or even in part.
- **Directly Elected Delegates to the House and Senate Would be an Appropriate and Quintessentially American Style Solution:** Delegates directly elected by overseas Americans, who would serve as active members of the U.S. House of Representatives and the U.S. Senate, would be major assets to the United States, providing unique knowledge and insights into world affairs. They would greatly strengthen American interests at home and throughout the world in trade, politics, culture and national security.
- **What Delegates in the House and Senate Could Do for Overseas Americans:** Delegates directly elected by the Overseas American community would have the same rights and privileges currently enjoyed by the four Delegates and the Resident Commissioner who represent those living in Washington D.C. and four overseas U.S. territories. These Overseas American Delegates would be able to introduce legislation, serve on and vote in committees, speak on the floor of Congress, and even become the Chairpersons of Sub-Committees and Full Committees of Congress. Overseas Americans would thereby acquire considerable power and influence, far exceeding that of merely being able to vote from afar in domestic U.S. elections as they can only do today.
- **Please Join With Us To Turn This Opportunity Into a Beneficial Reality for All Americans:** We invite you to join with us in urging the White House and the Congress to introduce and enact the legislative language that is contained in this paper. You can play a big role by helping find new Congressional sponsors and especially by contributing to the building and sustaining of strong popular support at home and abroad.

### **BACKGROUND AND ANALYSIS**

#### **1. The Voting Rights of Overseas Americans in U.S. Federal Elections Have Not Provided the Anticipated Positive Results in Terms of Needed Changes in U.S. Laws and Regulations.**

Overseas Americans in the private sector were first allowed to vote in their home states for Members of the U.S. House of Representatives and the U.S. Senate in 1976. At that time there was great hope and expectation that obtaining this right would lead quickly to a major change in the knowledge and attitude of their home state Congressional delegations as to the challenges facing Americans abroad and how U.S. laws and regulations could be changed to put overseas Americans onto a more level playing field for trade and the promotion of other interests of the United States.

It didn't take very long, however, for the overseas American community to realize that this right to vote back home was not the panacea that was originally imagined.

Indeed, during the last 30 years the relative competitive positioning of U.S. citizens abroad has steadily worsened. Today overseas Americans are far behind the competitive 8-ball compared to overseas citizens of all of the other major countries of the world.

Even more surprising has been the lack of interest in the federal government as to how world markets really function at the individual citizen level, and how the treatment of overseas U.S. citizens causes so much on-going harm to all Americans at home and abroad.

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**2. The Population of the Overseas American Community is Larger Than That of Half of the States in the United States**

The table below shows the population of the 24<sup>th</sup> and 25<sup>th</sup> largest states in the United States according to the 2000 Census, together with a recent estimate of the size of the overseas American community.

If the American diaspora abroad were treated as a State, it would be eligible for at least six directly elected Members of the House of Representatives and two Senators.

<b>RANK</b>	<b>STATES</b>	<b>OFFICIAL POPULATION IN 2000 CENSUS</b>	<b>NUMBER OF U.S. HOUSE MEMBERS</b>	<b>NUMBER OF U.S. SENATORS</b>
<b>24</b>	<b>Colorado</b>	4,311,882	7	2
	<b>Overseas Americans</b>	<b>4,163,810</b>	<b>0</b>	<b>0</b>
<b>25</b>	<b>Kentucky</b>	4,049,431	6	2

**3. The Population of the Overseas American Community is Larger Than That of All of the Territories That Currently Have Their Own Directly Elected Participants in the U.S. Congress**

The size of the overseas American community in comparison with the population of U.S. Territories that are currently represented in the U.S. Congress with directly elected Delegates or a Resident Commissioner are shown in the table below.

<b>RANK</b>	<b>TERRITORIES</b>	<b>OFFICIAL POPULATION IN 2000 CENSUS</b>	<b>NUMBER OF U.S. HOUSE MEMBERS</b>	<b>NUMBER OF U.S. SENATORS</b>
	<b>Overseas Americans</b>	<b>4,163,810</b>	<b>0</b>	<b>0</b>
<b>1</b>	<b>Puerto Rico</b>	3,808,610	1	0
<b>2</b>	<b>District of Columbia</b>	572,059	1	0
<b>3</b>	<b>Guam</b>	148,000	1	0
<b>4</b>	<b>Virgin Islands</b>	118,000	1	0
<b>5</b>	<b>American Samoa</b>	62,000	1	0

**4. Delegates Have Been Playing an Active Role in Congress for More Than 200 Years Representing Territories That Are Not Yet States**

Since the time of the founding of the American Republic delegates from areas that were not yet formally part of the original U.S. states were already welcomed and accorded extensive privileges in the deliberations of American legislative bodies.

Such delegates were first officially authorized by the Continental Congress in the "Ordinance of 1784." The Ordinance provided for the political organization of territories outside of the original thirteen states and authorized territories to keep a Member in Congress, with a right of debating, but not of voting. In 1787, these provisions were reiterated in the "Northwest Ordinance." In 1789, the First Congress enacted the provisions of the Northwest Ordinance into law. The position of territorial delegate has existed since then.

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During the last three centuries, many Delegates have served with great distinction and then gone on to higher office. One Delegate (William Henry Harrison) was later elected President of the United States.

Today, four Delegates and one Resident Commissioner are directly elected to serve in the House of Representatives.

The U.S. Senate has not so far made provision in its rules for any similar representation from U.S. Territories. Nothing, however, in the U.S. Constitution prohibits the Senate from creating similar positions for U.S. Territories or for the overseas American diaspora.

### 5. **A Brief Summary of the Duties and Privileges of the Current Delegates and the Resident Commissioner in the U.S. House of Representatives**

**Delegates vs Commissioners:** The distinction between a Delegate and a Resident Commissioner depends in part on whether or not the territory they represent is "incorporated" or "unincorporated." Territories that are incorporated are deemed to be less likely to become states and those that are unincorporated -- their status is open and undetermined -- hold open the possibility of becoming a state. The position of "Resident Commissioner" was created by Congress for the representative from a territory with an undetermined status (Puerto Rico), with the possibility of eventual statehood.

**Typical Terms of Office:** The four current Delegates serve two-year terms. The Resident Commissioner is elected for a term of four years. Each of these five individuals receives the same salary, staff, office, and benefits as other Members of the House of Representatives.

**Current Rights and Privileges in the U.S. House of Representatives:** The rights and privileges of Delegates and Resident Commissioners are not defined in the Constitution but come from rules that the House of Representatives adopts and modifies from time to time. The most recent changes date from the 1990s.

In **1993**, the 103rd Congress approved a rule change that allowed the four Delegates and the Resident Commissioner to vote on the floor of the House, but only in the Committee of the Whole. However, if any measure passed or failed in the Committee of the Whole because of a Delegate's vote, a second vote—excluding the Delegates—would be taken. In other words, Delegates were permitted to vote but only if their votes had no effect on a measure's ultimate outcome.

In **1995**, this rule change was reversed by the 104th Congress, stripping the Delegates of even non-decisive votes. It was made after Republicans gained control of the House for the first time in 40 years. This reversal was denounced as a case of partisanship by Democrats—which all five of the Delegates either were or were allied with—at the time. Republicans countered that the former rule essentially gave the Democrats five more votes to which they were not constitutionally entitled.

In **2007**, the new leadership of the 110<sup>th</sup> Congress gave back to the Delegates the rights and privileges that they lost in 1995.

**Committee Membership, Rights and Privileges:** The Delegates and Resident Commissioner are assigned to House committees by their respective Party leadership organizations. They may speak, question witnesses, participate in committee debates, introduce legislation, offer amendments and vote on legislation and other issues that come before their committees, and before the full House sitting as a Committee of the Whole. They may also be appointed as conferees and negotiate with the Senate in conference over the important final text of legislation. The Delegates are also free to debate on the House floor and to offer floor amendments.

**Party Affiliations and Committee Leadership Possibilities:** Of the three women and one man serving as Delegates in the U.S. House of Representatives today, one is serving a 10<sup>th</sup> term, one a 9<sup>th</sup> term, the other two are in their 6<sup>th</sup> and 3<sup>rd</sup> terms. They are all Democrats. Each of them is now a Sub-Committee Chairperson on one of their Committees. The Resident Commissioner is a Republican serving his first four year term. He does not yet have the equivalent seniority status in his party.

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**Intermediaries to the Federal Government:** Delegates serve their electoral constituents as intermediaries to the federal government in the same way that full Members of Congress do. They help their constituents obtain information from the various departments and agencies of the Federal Government; obtain answers for them for a full range of questions about federal programs; mediate bureaucratic problems and red-tape on behalf of their constituents; and scout out federal grants and benefits for eligible individuals and institutions in their home constituencies.

**Appointments to U.S. Military Academies:** Delegates and the Resident Commissioner also have the right to make their own appointments to the U.S. military academies.

6. **No Member of Congress Today Has The Qualifications or the Mandate to Address the Full Range of Issues of Concern to the Overseas American Community**

The overseas American community, with its 4 million members, represents about 1.4% of the total U.S. population. Although overseas citizens enjoy the right to vote in Federal elections, their votes are dispersed throughout the 50 States and 435 separate Congressional districts. As a result, the overseas American impact in any given Congressional constituency is very small. It is no surprise, therefore, that many Members of Congress are almost totally unaware of the extraordinary resource that the Overseas American community represents for the United States, or of the unique problems facing their overseas American constituents and the role that U.S. laws and regulations play today in creating these problems. Few if any Members have any real background, knowledge, or experience living and working abroad in the private sector, and no Member of the House of Representatives today has a staff member uniquely assigned to service the full spectrum of needs of overseas constituents.

7. **No Congressional Committee is Responsible Today for the Full Range of Concerns of the Overseas American Community**

While the lack of dedicated staff in the offices of any individual Members of Congress to address the full range of concerns of overseas American constituents might be understandable, it is much more surprising and noteworthy that not a single Committee in Congress has either been given or assumed the responsibility for the full range of issues facing overseas Americans.

As a result there is no way that a comprehensive picture of the full effect of current U.S. laws and regulations on the ability of overseas Americans to compete in foreign markets can be assessed. No Committee in more than two decades has even asked the Executive Branch to undertake such an overview or an international comparative analysis of the nature of the worldwide level playing field.

8. **No Cabinet Department or Executive Agency is Responsible for the Full Range of Concerns of the Overseas American Community**

Not a single individual at the Department of State, Department of Commerce, Department of the Treasury, etc, or on the White House staff, is tasked with creating and maintaining an up-to-date and dynamic overview and assessment of the impact of U.S. laws and regulations on the ability of U.S. citizens to compete in world markets.

The last such study of a full range of these issues (entitled "*U.S. Law Affecting Americans Living and Working Abroad*") was conducted at the request of Senator George McGovern and the Senate Foreign Relations Committee during the Presidency of Jimmy Carter. It was sent to the Congress in August 1980. Most of the recommendations of this study were subsequently ignored. No significant follow-up of data collection, analysis or recommendations has been made during the last 25 years.

9. **A Bill to Give Overseas Americans a Delegate in Congress Was First Introduced More Than Twenty Years Ago**

Legislation to give overseas Americans their own Delegate in the House of Representatives was introduced more than twenty years ago. The last time this happened was in 1992, when Congressman Ben Gilman (R-N.Y.) and his colleague, Congressman Bill Alexander (D-Ark.), introduced HR 4560 which

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proposed that overseas Americans be entitled to elect their own Delegate to the U.S. House of Representatives, with the same privileges and powers as the Delegate representing Guam.

New legislative language to provide for a set of Delegates in both the U.S. House of Representatives and the U.S. Senate is attached in Annex 1.

### 10. Direct Representation of Overseas American in Congress Today Should Be Equivalent to That of the 25<sup>th</sup> Largest States in the United States

Given the nature of the world competitive environment today and how much more complex this has become in the last twenty years, it would be appropriate now to provide the overseas American community with direct representation in Congress equivalent to that of Kentucky, the 25<sup>th</sup> largest state in the United States (whose population is equivalent to that of the Overseas American private sector community) This would give Overseas Americans the right to directly elect six Delegates to the U.S. House of Representatives and two Delegates to the U.S. Senate. *Draft Legislative language to create such Delegates in the House and Senate is contained in Annex 1.*

### 11. Maintaining the Right to Vote for Members of Congress Back Home

The legislation introduced by Congressman Gilman and Alexander in 1992 stipulated that voting for the Delegate for United States Citizens Abroad would not require overseas Americans to relinquish the right to vote for their Congressperson or Senators from their home states. As a Delegate cannot vote on final passage of legislation, there is no real redundancy in this extra representation. *This provision has been maintained in the draft legislation in Annex 1.*

### 12. Other Countries Give Their Overseas Citizens Representatives in Their Home Country Parliaments and Valuable Lessons Can be Derived From Their Experiences

For more than fifty years, overseas citizens of other countries have been given the right to elect their own representatives to their home country legislatures. Among the countries with such provisions today are France, Portugal, Italy, Croatia, Colombia and Senegal. Similar proposals are being discussed now for the overseas citizens of Ireland, Switzerland and Mexico. There is a lot to be learned from studying their different approaches and experiences.

### 13. A Congressional Delegation for Overseas Americans Would Be Good for All Americans

Directly elected Delegates speaking officially on behalf of the overseas American community in the House of Representatives and the Senate would be a powerful and beneficial addition to the deliberations of the U.S. Congress. This would not only enrich their debates but also mobilize and empower a very valuable resource to enhance the health, wealth, security and prosperity of all Americans, at home and abroad. This is an opportunity that should not be wasted.



#### **Annexes Attached to This Paper:**

**Annex 1 A & B:** *Legislative Language to Create Delegates for Overseas Americans in the U.S. House of Representatives and the U.S. Senate.*

#### **Additional Separate ACA Background Papers**

**ACA Background Paper N°1:** *Language of HR 4560 of March 25, 1992.*

**ACA Background Paper N°2:** *Committee Assignments of Current Delegates in the Congress.*

**ACA Background Paper N°3:** *Political Links between European Countries and Their Overseas Citizens.*

ANNEX 1 A

**LEGISLATIVE LANGUAGE TO CREATE  
SIX OVERSEAS AMERICAN DELEGATES  
IN THE U.S. HOUSE OF REPRESENTATIVES**

**H.R. \_\_\_\_\_**

**IN THE HOUSE OF REPRESENTATIVES  
110<sup>th</sup> Congress, 1<sup>ST</sup> Session  
\_\_\_\_\_, 2007**

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on House Administration

**A BILL**

To create the offices of Delegates for United States Citizens Abroad.

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

**Section 1. Short Title.**

This Act may be cited as the "Overseas United States Citizens' Representation in the Congress  
Act of 2007".

**Section 2. Creation of Office of Delegate for United States Citizens Abroad.**

United States citizens residing outside the United States shall be represented in Congress by six  
nonvoting Delegates to the House of Representatives (hereinafter in this Act referred to as the  
"Delegates"), who shall be elected in accordance with this Act.

**Section 3. Qualifications of Electors; Commencement of Term of Office.**

(a) Qualification of Electors. - The Delegates shall be elected by citizens described in section  
107(5) (B) of (C) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(5) (B)  
or (C)) who have the right to register absentee for, and to vote by, an absentee ballot in Federal elections  
under such Act. Qualified electors who exercise the right to vote for the Delegate from Overseas shall not  
be required to relinquish the right to vote for the offices in the House of Representatives specified in  
section 107(3) of such Act (42 U.S.C. 1973ff-6(3)).

(b) Commencement of Term of Office. - The term of the Delegates shall commence on the third  
day of January following the date of the election.

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***Section 4. Qualifications of Delegates.***

To be eligible for the office of Delegate, a candidate shall -

- (1) be at least 25 years of age on the date of the election;
- (2) not be, on the date of the election, a candidate for any other office;
- (3) have been a citizen of the United States for at least seven years prior to the date of the election;
- (4) have resided outside the United States for the six-month period ending on the date of the election; and
- (5) be qualified to vote for the office of Delegate under section 2(a).

***Section 5. Presidential Commission.***

A three-member commission, appointed by the President, shall determine the procedures and regulations for the elections to the office of Delegate, the method by which a special election to fill a vacancy in such office shall be conducted, the method by which ties between candidates for such office shall be resolved, the order of names on the ballot for such office, and all other matters pertaining to the office of Delegate not otherwise provided for in this Act.

***Section 6. Compensation of Delegate.***

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegates shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereafter may be, granted to the Delegate from Guam.

***Section 7. Definition.***

As used in this Act, the term "United States", when used in the geographical sense, has the meaning given such term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 1973ff-6).

***Section 8. Effective Date.***

This Act shall apply with respect to elections beginning with the first general election held after the year in which this Act is enacted.



ANNEX 1 B

**LEGISLATIVE LANGUAGE TO CREATE  
TWO OVERSEAS AMERICAN DELEGATES  
IN THE U.S. SENATE**

S. \_\_\_\_\_

**IN THE SENATE  
110<sup>th</sup> Congress, 1<sup>ST</sup> Session  
\_\_\_\_\_, 2007**

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on Rules and Administration

**A BILL**

To create the offices of Delegates for United States Citizens Abroad.

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

**Section 1. Short Title.**

This Act may be cited as the "Overseas United States Citizens' Representation in the Congress  
Act of 2007".

**Section 2. Creation of Office of Delegate for United States Citizens Abroad.**

United States citizens residing outside the United States shall be represented in Congress by two  
nonvoting Delegates to the Senate (hereinafter in this Act referred to as the "Delegates"), who shall be  
elected in accordance with this Act.

**Section 3. Qualifications of Electors; Commencement of Term of Office.**

(a) Qualification of Electors. - The Delegates shall be elected by citizens described in section  
107(5) (B) of (C) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(5) (B)  
or (C)) who have the right to register absentee for, and to vote by, an absentee ballot in Federal elections  
under such Act. Qualified electors who exercise the right to vote for the Delegate from Overseas shall not  
be required to relinquish the right to vote for the offices in the Senate specified in section 107(3) of such  
Act (42 U.S.C. 1973ff-6(3)).

(b) Commencement of Term of Office. - The term of the Delegates shall commence on the third  
day of January following the date of the election.

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**Section 4. Qualifications of Delegates.**

To be eligible for the office of Delegate, a candidate shall -

- (6) be at least 30 years of age on the date of the election;
- (7) not be, on the date of the election, a candidate for any other office;
- (8) have been a citizen of the United States for at least nine years prior to the date of the election;
- (9) have resided outside the United States for the six-month period ending on the date of the election; and
- (10) be qualified to vote for the office of Delegate under section 2(a).

**Section 5. Presidential Commission.**

A three-member commission, appointed by the President, shall determine the procedures and regulations for the elections to the office of Delegate, the method by which a special election to fill a vacancy in such office shall be conducted, the method by which ties between candidates for such office shall be resolved, the order of names on the ballot for such office, and all other matters pertaining to the office of Delegate not otherwise provided for in this Act.

**Section 6. Compensation of Delegate.**

Until the Rules of the Senate are amended to provide otherwise, the Delegates shall receive the same compensation, allowances, and benefits as a Member of the Senate, and shall be entitled to whatever privileges and immunities that are, or hereafter may be, granted to the Senators from Kentucky.

**Section 7. Definition.**

As used in this Act, the term "United States", when used in the geographical sense, has the meaning given such term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 1973ff-6).

**Section 8. Effective Date.**

This Act shall apply with respect to elections beginning with the first general election held after the year in which this Act is enacted.



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