

108TH CONGRESS
1ST SESSION

H. R. 2074

To require certain disclosures in connection with any international money transfer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2003

Mr. GUTIERREZ (for himself and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require certain disclosures in connection with any international money transfer, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Money
5 Transfer Disclosure Act”.

6 **SEC. 2. DISCLOSURES REQUIRED.**

7 (a) REGULATIONS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the appropriate Federal agencies shall jointly pre-
10 scribe regulations that require any financial institu-

tion or money transmitting business which initiates an international money transfer on behalf of a consumer (whether or not the consumer maintains an account at such institution or business) to make a good faith effort to provide the following disclosures to the consumer before the consummation of the transaction:

(A) Any fees to be charged to the recipient, including any exchange rate or currency conversion fees.

(B) A final itemization of all costs to the consumer, which would include all fees charged, for the remittance.

(C) The exact amount of foreign currency to be received by the recipient in the foreign country.

(2) GOOD FAITH EFFORT.—For purposes of paragraph (1), good faith effort requires honesty in fact and all commercially reasonable efforts to provide the disclosures based on the most accurate information reasonably available to the financial institution or money transmitting business at the time of the international money transfer.

(b) LANGUAGE REQUIREMENT.—The disclosures required under subsection (a) shall be in English and in the

1 same language, if other than English, as the language
2 principally used by the financial institution or money
3 transmitting business, or any of its agents, to advertise,
4 solicit, or negotiate, either orally or in writing, at the office
5 of the institution or business at which the international
6 money transfer is initiated.

7 (c) DEFINITIONS.—For purposes of this section, the
8 following definitions shall apply:

9 (1) APPROPRIATE FEDERAL AGENCY.—The
10 term “appropriate Federal agency” means—

11 (A) the appropriate Federal banking agen-
12 cy, in the case of any insured depository institu-
13 tion (as such terms are defined in section 3 of
14 the Federal Deposit Insurance Act);

15 (B) the National Credit Union Administra-
16 tion, in the case of any credit union (as defined
17 in section 101 of the Federal Credit Union
18 Act); and

19 (C) the Federal Trade Commission, in the
20 case of any financial institution or money trans-
21 mitting business that is not an insured deposi-
22 tory institution or insured credit union.

23 (2) INTERNATIONAL MONEY TRANSFER.—The
24 term “international money transfer” means any
25 money transmitting service originating in the United

1 States and involving an international transaction
2 which is provided by a financial institution or a
3 money transmitting business.

4 (3) MONEY TRANSMITTING SERVICE.—The
5 term “money transmitting service” has the meaning
6 given to such term in section 5330(d)(2) of title 31,
7 United States Code.

8 (4) MONEY TRANSMITTING BUSINESS.—The
9 term “money transmitting business” means any
10 business which—

11 (A) provides check cashing, currency ex-
12 change, or money transmitting or remittance
13 services, or issues or redeems money orders,
14 travelers’ checks, and other similar instruments;
15 and

16 (B) is not a depository institution (as de-
17 fined in section 5313(g) of title 31, United
18 States Code).

19 (d) ADMINISTRATIVE ENFORCEMENT.—

20 (1) DEPOSITORY INSTITUTIONS.—

21 (A) IN GENERAL.—Compliance with the
22 requirements imposed under this section shall
23 be enforced under—

24 (i) section 8 of the Federal Deposit
25 Insurance Act, in the case of an insured

1 depository institution, by the appropriate
2 Federal banking agency (as such terms are
3 defined in section 3 of the Federal Deposit
4 Insurance Act); and

5 (ii) the Federal Credit Union Act, in
6 the case of any insured credit union (as de-
7 fined in section 101 of the Federal Credit
8 Union Act), by the National Credit Union
9 Administration.

10 (B) APPLICABILITY OF OTHER LAWS.—

11 (i) VIOLATIONS OF THIS SECTION.—
12 For the purpose of the exercise by any
13 agency referred to in subparagraph (A) of
14 its powers under any Act referred to in
15 that subparagraph, a violation of any re-
16 quirement imposed under this section shall
17 be deemed to be a violation of a require-
18 ment imposed under that Act.

19 (ii) OTHER AUTHORITY.—In addition
20 to its powers under any provision of law
21 specifically referred to in subparagraph
22 (A), each of the agencies referred to in
23 such subparagraph may exercise, for the
24 purpose of enforcing compliance with any

1 requirement imposed under this section,
2 any other authority conferred on it by law.

3 (2) OTHER MONEY TRANSMITTING BUSI-
4 NESSES.—

5 (A) APPROPRIATE FEDERAL REGU-
6 LATOR.—Except to the extent that enforcement
7 of the requirements imposed under this section
8 is specifically committed to some other Govern-
9 ment agency under paragraph (1), the Federal
10 Trade Commission shall enforce such require-
11 ments.

12 (B) APPLICABILITY OF OTHER LAWS.—

13 (i) VIOLATIONS OF THIS SECTION.—

14 For the purpose of the exercise by the
15 Federal Trade Commission of its functions
16 and powers under the Federal Trade Com-
17 mission Act, a violation of any requirement
18 imposed under this section shall be deemed
19 a violation of a requirement imposed under
20 that Act.

21 (ii) OTHER AUTHORITY.—All of the
22 functions and powers of the Federal Trade
23 Commission under the Federal Trade
24 Commission Act are available to the Com-
25 mission to enforce compliance by any per-

1 son subject to the jurisdiction of the Com-
2 mission with the requirements imposed
3 under this section, irrespective of whether
4 that person is engaged in commerce or
5 meets any other jurisdictional tests in the
6 Federal Trade Commission Act.

7 (e) EFFECTIVE DATE.—This section shall apply to
8 any international money transfer initiated in the United
9 States after the end of the 3-month period beginning on
10 the date of the enactment of this Act.

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