

118TH CONGRESS
1ST SESSION

H. R. 6817

To impose a fee on certain remittance transfers to fund border security.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2023

Mr. HERN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, Foreign Affairs, Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose a fee on certain remittance transfers to fund border security.

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. REMITTANCE TRANSFER FEE.**

4 (a) IN GENERAL.—Section 920 of the Electronic
5 Fund Transfer Act (relating to remittance transfers) (15
6 U.S.C. 1693o–1) is amended—

7 (1) by redesignating subsection (g) as sub-
8 section (h);

1 (2) by inserting after subsection (f) the fol-
2 lowing:

3 “(g) REMITTANCE TRANSFER FEE.—

4 “(1) IN GENERAL.—If the designated recipient
5 of a remittance transfer is located outside of the
6 United States, a remittance transfer provider shall
7 collect from the sender of such remittance transfer
8 a remittance transfer fee equal to 10 percent of the
9 United States dollar amount to be transferred.

10 “(2) TRANSFER OF FUNDS.—Not later than 90
11 days after the date of the enactment of this sub-
12 section, the Secretary of the Treasury, in consulta-
13 tion with the Bureau and remittance transfer pro-
14 viders, shall develop and make available a system for
15 remittance transfer providers to submit the remit-
16 tance transfer fees collected in accordance with para-
17 graph (1) to the Secretary for transfer to the Border
18 Enforcement Trust Fund in accordance with section
19 3344(b) of title 31, United States Code.

20 “(3) PENALTIES.—

21 “(A) IN GENERAL.—Whoever, with the in-
22 tent to evade a remittance transfer fee to be
23 collected in accordance with this subsection,
24 and who has knowledge that, at the time of
25 such remittance transfer, the value of the funds

1 involved in the transfer will be further trans-
2 ferred to a recipient located outside of the
3 United States, requests or facilitates such re-
4 mittance transfer to a recipient located outside
5 of the United States—

6 “(i) shall be subject to a penalty of
7 not more than the greater of—

8 “(I) \$500,000; or

9 “(II) twice the value of the funds
10 involved in such remittance transfer;

11 “(ii) imprisonment for not more than
12 20 years; or

13 “(iii) both penalties set forth in
14 clauses (i) and (ii).

15 “(B) AIDING OR HARBORING AN INDI-
16 VIDUAL CONSPIRING TO AVOID THE FEE.—Any
17 foreign country that, in the joint determination
18 of the Secretary of Homeland Security, the Sec-
19 retary of the Treasury, and the Secretary of
20 State, aids or harbors an individual conspiring
21 to avoid the fee collected in accordance with
22 this subsection shall be ineligible, in the discre-
23 tion of the Secretaries described in this sub-
24 paragraph—

1 “(i) to receive United States foreign
2 assistance; or

3 “(ii) to participate in the visa waiver
4 program under section 217 of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1187) or any other immigration pro-
7 gram.”; and

8 (3) in subsection (h)(2), as redesignated—

9 (A) in subparagraph (A), by striking
10 “and” at the end;

11 (B) in subparagraph (B), by inserting
12 “and” at the end; and

13 (C) by adding at the end the following:

14 “(C) for purposes of applying the fee re-
15 quired under subsection (g)(1), does not include
16 payments for valuable consideration.”.

17 (b) REFUNDABLE INCOME TAX CREDIT ALLOWED
18 TO CITIZENS OF THE UNITED STATES FOR REMITTANCE
19 TRANSFER FEES.—

20 (1) IN GENERAL.—Subpart C of part IV of sub-
21 chapter A of chapter 1 of the Internal Revenue Code
22 of 1986 is amended by adding at the end the fol-
23 lowing:

1 **“SEC. 36C. REMITTANCE TRANSFER FEES OF UNITED**
2 **STATES CITIZENS.**

3 “In the case of any individual who is a citizen of the
4 United States, there shall be allowed as a credit against
5 the tax imposed by this subtitle for any taxable year an
6 amount equal to the aggregate amount of remittance
7 transfer fees paid by such individual under section 920(g)
8 of the Electronic Fund Transfer Act (15 U.S.C. 1693o–
9 1(g)) during such taxable year.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 6211(b)(4)(A) of the Internal
12 Revenue Code of 1986 is amended by inserting
13 “36C,” after “36B,”.

14 (B) Section 1324(b)(2__ of title 31,
15 United States Code, is amended by inserting
16 “36C,” after “36B,”.

17 (C) The table of sections for subpart C of
18 part IV of subchapter A of chapter 1 of the In-
19 ternal Revenue Code of 1986 is amended by in-
20 serting after the item relating to section 36B
21 the following new item:

“Sec. 36C. Remittance transfer fees of United States citizens.”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall apply to taxable years end-
24 ing after the date of the enactment of this Act.

1 (c) REPORT REGARDING AMOUNT OF REMITTANCE
2 TRANSFERS TO EACH FOREIGN COUNTRY.—The Commis-
3 sioner of U.S. Customs and Border Protection shall sub-
4 mit an annual report to the Committee on Banking, Hous-
5 ing, and Urban Affairs of the Senate, the Committee on
6 Homeland Security and Governmental Affairs of the Sen-
7 ate, the Committee on Financial Services of the House of
8 Representatives, and the Committee on Homeland Secu-
9 rity of the House of Representatives that describes the ag-
10 gregate amount of remittance transfers made to each for-
11 eign country during the year to which such report relates.

12 **SEC. 2. BORDER ENFORCEMENT TRUST FUND.**

13 (a) ESTABLISHMENT.—Subchapter III of chapter 33
14 of title 31, United States Code, is amended by adding at
15 the end the following:

16 **“§ 3344. Border Enforcement Trust Fund.**

17 “(a) ESTABLISHMENT OF TRUST FUND.—Not later
18 than 60 days after the date of the enactment of this sec-
19 tion, the Secretary of the Treasury shall establish an ac-
20 count in the Treasury of the United States, which shall
21 be known as the ‘Border Enforcement Trust Fund’ (re-
22 ferred to in this section as the ‘Trust Fund’).

23 “(b) TRANSFERS TO TRUST FUND.—

24 “(1) IN GENERAL.—There shall be deposited
25 into the Trust Fund, from amounts collected as re-

1 remittance transfer fees under section 920(g) of the
2 Electronic Fund Transfer Act (15 U.S.C. 1693o-
3 1(g)), an amount equal to the difference between—

4 “(A) the amount of such remittance trans-
5 fer fees collected after the establishment of the
6 Trust Fund; and

7 “(B) the amount of credits allowed under
8 section 36C of the Internal Revenue Code of
9 1986 with respect to such remittance transfer
10 fees.

11 “(2) TIMING AND ESTIMATES.—Amounts de-
12 scribed in paragraph (1) shall be deposited into the
13 Trust Fund by the Secretary of the Treasury at
14 least monthly from the general fund of the Treasury
15 on the basis of estimates made by the Secretary of
16 the Treasury. Proper adjustments shall be made in
17 amounts subsequently transferred to the extent prior
18 estimates were in excess of, or less than, the
19 amounts required to be deposited pursuant to this
20 subsection.

21 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
22 in the Trust Fund may only be used, consistent with ap-
23 propriation Acts—

24 “(1) to employ and train additional U.S. Bor-
25 der Patrol agents;

1 “(2) to employ and train officers and support
2 staff employed in enforcement and removal oper-
3 ations of U.S. Immigration and Customs Enforce-
4 ment;

5 “(3) to plan, design, construct, improve, or
6 maintain barriers along the international border be-
7 tween the United States and Mexico; and

8 “(4) to plan, design, construct, improve, or
9 maintain detention facilities for aliens residing in
10 the United States without lawful immigration sta-
11 tus.”.

12 (b) CLERICAL AMENDMENT.—The chapter analysis
13 for chapter 33 of title 31, United States Code, is amended
14 by inserting at the end the following:

“3344. Border Enforcement Trust Fund.”.

○