INOUYE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 430

At the request of Mr. HATCH, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 430, a resolution designating November 2004 as ''National Runaway Prevention Month''.

AMENDMENT NO. 3711

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3711 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3714

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3714 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3715

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 3715 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3716

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3716 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3719

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3719 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3756

At the request of Mr. GRAHAM of Florida, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 3756 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3765

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3765 intended to be proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3781

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. TALENT), the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mrs. DOLE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3781 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 2867. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $50,000; to the Committee on Armed Services.

Mr. HAGEL. Mr. President, I rise today to introduce the ''Military Death Gratuity Improvement Act of 2004.'' This legislation would raise the military death gratuity paid to the families of military personnel killed while on active duty from $12,000 to $50,000. This increase would also be applied retroactively to all service members on active duty who have died since September 11, 2001.

The military death gratuity is money provided within 72 hours to families of service members who are killed while on active duty. These funds assist next-of-kin with their immediate financial needs.

As we face the challenges of the 21st Century, servicemen and women sacrificing for their country in a time of war should be assured that their families will be taken care of. The loss of a loved one is a tremendous emotional hardship for families. Congress must do what it can to ensure that it does not cause devastating financial hardship as well.

This bill will help alleviate some of the financial hardships faced by the families of our brave servicemen and women who give their lives in service to our country. It will send a message to our brave young men and women and their families that their Nation appreciates their service and sacrifice. I urge my colleagues in the Senate to join me in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2867

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

SECTION 1. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$50,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after September 11, 2001.

(c) OFFSET.—The Secretary of Defense shall derive funds for amounts payable during fiscal year 2005 by reason of the amendment made by subsection (a) from amounts available for that fiscal year for travel for personnel assigned to, or employed in, the Office of the Secretary of Defense. Amounts for such purpose shall be transferred to the appropriate accounts of the Department of Defense available for such payments, and amounts so transferred shall not be counted for purposes of any limitation on the amount of transfers of Department of Defense funds during that fiscal year.

By Mr. SARBANES (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. AKAKA, Mr. BINGAMAN, Mr. SCHUMER, Mr. DODD, Mrs. BOXER, and Ms. MIKULSKI):

S. 2868. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, I rise today to introduce the International Remittance Consumer Protection Act of 2004. This legislation extends basic consumer protection rights to those who send remittances, and it creates new avenues and incentives for federally insured financial institutions to provide remittance and basic banking services to those who currently do not use such institutions to send remittances.

The practice of sending remittances is not new. Immigrants to the United States traditionally have used remittances to provide financial assistance to family members who remained in their country of origin, but the practice has been largely overlooked; it has not been systematically studied and its implications have not been fully understood. The 2000 census shows that 30 million people in this country are foreign-born—the largest number in our Nation's history and the vast majority of them—22 million—are citizens or legal residents. More than 40 percent of our Nation's foreign-born population immigrated to the United States in the 1990s, and some 15.4 million, or more than half the immigrant community, have come from Latin American countries. Immigrants make a vital contribution to the economic and social life of our Nation.

In a recent study, Sending Money Home: Remittances to Latin America from the US, 2004, the Inter-American

Development Bank (IADB) found that nationwide over 60 percent of Latin American immigrants send remittances. On average, each immigrant sends $240 at a time, 12 times per year. Although these individual transactions are not large, they have constituted an aggregate amount of over $30 billion from America to our Latin American neighbors in this year alone.

In my State of Maryland, we have 175,000 immigrants from Latin America and the vast majority send remittances back home. According to the IADB's study 80 percent of Maryland's immigrants from Latin America send remittances. The typical sender remits an average of $245, 14 times per year—in other words, remittances are a monthly matter, with special gifts for Christmas and Mother's Day.

The subject of remittances has been a major interest of mine for some time. As chairman of the Banking Committee, in February, 2002, during the 107th Congress, I chaired what I understand was the first congressional hearing devoted exclusively to the subject. Dr. Manuel Orozco, a leading researcher on remittances at the Inter-American Dialogue, told the committee that remittances from the U.S. to Latin America had grown substantially—at that point to an estimated $20 billion in 2001—and that between 15 to 20 percent—$3–$4 billion—was being lost in fees and other transaction costs. Since Dr. Orozco testified, remittances to Latin America have grown by $10 billion, 50 percent, in just 3 years, and continued growth is expected.

That an estimated 15 percent to 20 percent of the money sent in remittances is diverted to fees and other transaction costs, often hidden from the remittance sender, is evidence of the abusive practices that exist in the remittance market. There are two primary factors that account for this abuse. First, studies have shown that people who send remittances tend to be relatively low-wage earners, with modest formal education and relatively little experience in dealing with this country's complex system of financial institutions. As a result they are susceptible to unscrupulous actors who can take advantage of them by charging all sorts of exorbitant fees, which are often hidden or misrepresented. The exchange rate conversion is often the mechanism for this abusive practice.

Second, remittances are currently not subject to the requirements set by Federal consumer protection law, including the disclosure of fees. There is no requirement that a remittance transfer provider disclose to the consumer the exchange rate fee that will be applied in the transaction. Without knowing the exchange rate fee that the company is charging, a consumer has little ability to gauge accurately the full cost of sending a remittance. As Sergio Bendixen, a leading researcher of public opinion and behavior, with a specialty among Hispanic consumers, testified before the Banking Committee: ''an overwhelming majority of Hispanic immigrants are unaware that their families in Latin America receive less money than what they send from the United States.'' Further, a remittance sender cannot effectively shop between remittance transfer providers. The lack of basic information limits the amount of competition in this market.

The legislation I am introducing today extends basic consumer rights to those who send remittances. Further, by requiring clear and understandable disclosures to the remittance sender of the cost of the remittance, thus presenting to the consumer the full cost of sending money, the legislation will enhance competition, which in turn should lead to an overall decrease in the cost of sending remittances. As Sergio Bendixen testified to the Banking Committee, ''Full disclosure should unleash market forces that, hopefully, will result in a significant reduction in the cost of sending cash remittances.''

This legislation amends the Electronic Fund Transfer Act (EFTA), which is the primary vehicle for providing basic protections to most persons who engage in electronic transactions, to cover remittances, and to provide the basic rights associated with EFTA to remittance transactions. The two most important components of EFTA are the requirement of full disclosure of fees and the establishment of a process for the resolution of transactional errors. These rights have been an integral part of the regulations that govern our banking infrastructure since EFTA's enactment in 1978. The new legislation will build upon the success of EFTA by extending these basic rights to remittance senders.

The cornerstone of this legislation is the requirement that remittance transfer providers make three key disclosures to their consumers: (1) The total cost of the remittance, represented in a single dollar amount; (2) the total amount of currency that will be sent to the designated recipient, and (3) the promised date of delivery for the remittance. These disclosures follow the core recommendations of the Inter-American Development Bank, which in its publication, Remittances to Latin America and the Caribbean: Goals and Recommendations, states: ''Remittance institutions should disclose in a fully transparent manner, complete information on total costs and transfer conditions, including all commissions and fees, foreign exchange rates applied and execution time.''

The total cost disclosure will include the cost of the exchange rate conversion as well as all up-front fees. This single item will both give consumers a more accurate representation of the cost of the remittance transaction and allow consumers to more effectively compare costs between remittance transfer providers.

In order to calculate the cost of the exchange rate conversion, which is part of the total cost, the legislation requires that the Treasury Department post on its website, on a daily basis, the exchange rate for all currencies. At present the Treasury receives this information on a daily basis, but posts it only on a quarterly basis on the Treasury website. By posting the information daily, the Treasury could create a uniform and credible source for exchange rate information.

To calculate the cost to the consumer of the exchange rate differential, remittance transfer providers will use the difference between the previous business day's exchange rate, as posted on the Treasury website, and the exchange rate that the remittance transfer provider offers. Using the exchange rate posted by the Treasury will ensure that the exchange rate cost is calculated on a uniform basis. When the exchange rate cost is disclosed to the consumer as part of the total cost of the remittance transfer, the consumer will be better able to understand the full cost of the transaction and to shop between different remittance transfer providers.

In addition to fee disclosure requirements, this legislation establishes an error resolution mechanism so that consumers whose remittance transactions experience an error have a fair, open, and expedient process through which they may resolve those errors with the institution that conducted the flawed transaction. This basic right is already afforded to consumers who are protected by EFTA, and now this right will be extended to cover consumers who send remittances as well. Further, the legislation establishes an error resolution mechanism for remittance transfer errors that is responsive to the different types of errors that can occur in a remittance transaction and is reflective of the unique characteristics of the remittance market and its participants.

Under this legislation, a consumer has 1 year from the date that the remittance transfer company promised to deliver the money to notify the company that an error has occurred. The company is then required to resolve the error within 90 days. To resolve the error, the company must either (1) refund the full amount of the remittance that was not properly transferred, (2) resend that amount at no additional cost to the consumer or the designated recipient, or (3) demonstrate to the consumer that there was no error. The Federal Reserve Board is also granted the authority to establish additional remedies for specific situations that cannot be addressed by the three specific remedies that are described in the legislation.

It is urgent that we continue to encourage efforts to bring those who send remittances into the financial mainstream. In his testimony to the Banking Committee, Dr. Orozco pointed out that, ''About two-thirds of immigrants cash their salary checks in check cashing stores that charge exorbitant fees.

Many of these same immigrants then use what remains of their income to send remittances back home. In this common scenario, immigrants are penalized in both receiving and sending their earnings.'' In order to further bank those who are currently unbanked, the legislation that I am introducing today requires that the Federal banking agencies and the National Credit Union Administration provide guidelines to financial institutions regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer amounts. This legislation also amends the Federal Credit Union Act to allow credit unions to offer remittances and to cash checks for persons who are in their field of membership but are not credit union members. The guidelines set out in the legislation will help educate the financial services industry about the importance and potential profitability of providing these services.

The sending of remittances in a fair and scrupulous manner is likely to be profitable for the institution that provides the remittance service, and indeed we have begun to see aggressive moves into the remittance market by many of the largest banking institutions. Individuals who send remittances but are currently unbanked represent an expanded and profitable customer base for financial institutions.

By its very nature, remittances is an issue that involves both the United States and other nations. As Professor Susan Martin of Georgetown University, who also testified at our hearing, told the Banking Committee: ''Until relatively recently, researchers and policy makers tended to dismiss the importance of remittances or emphasize only their negative aspects . . . but recent work on remittances show a far more complex and promising picture. . . Experts now recognize that remittances have far greater positive impact on communities in developing countries than previously acknowledged.'' In fact, the size of the remittance market is such that for six Central American and Caribbean nations—Nicaragua, Haiti, El Salvador, Honduras, Guyana and Jamaica—remittances constitute more than 10 percent of GDP; Haiti and Jamaica receive more in remittances than in revenues from trade. The World Bank estimates that Mexico receives more in remittances than it does in foreign direct investment. Reducing the costs of remittances is in the interest of both the United States and the countries that receive them.

Given the growing importance of annual remittance flows, we must work to increase their efficiency. One mechanism for accomplishing this objective, and for increasing the ability of financial institutions to offer remittances is linking our banking infrastructure with the banking infrastructures of other nations. The Federal Reserve operates an international automated clearing house system (ACHi) that is currently linked to seven countries, of which the vast majority are highly developed trading partners that receive relatively low levels of remittances. The ACHi was recently connected to Mexico, however, which will allow financial institutions throughout the United States, especially those institutions of smaller size, to provide remittance services more easily and cheaply to Mexico. This legislation directs the Fed to take into account the importance of remittance flows to other countries as it continues to expand the ACHi system. Linking the ACHi to countries that receive significant remittances has the potential to result in great benefits to consumers who send remittances from America as well as to those who receive the remittances around the world.

Finally, I am acutely aware of the need for better and more broadly available financial literacy and education for all Americans. I am pleased to report that in the last Congress, as part of the reauthorization of the Fair Credit Reporting Act, we established a Presidential Financial Literacy and Education Commission, which is charged with developing a national strategy to promote financial literacy and education. The Act addresses the issue of remittances by including in the commission's work a focus on increasing the ''awareness of the particular financial needs and financial transactions, such as the sending of remittances of consumers who are targeted in multilingual financial literacy and education programs and improve the development and distribution of multilingual financial literacy and education materials.'' The legislation that I am introducing today builds on that framework by instructing the bank and credit union regulators to work with the commission to specifically increase the financial education efforts that target those persons who send remittances.

Millions of Americans send remittances to family members around the world, for a total far exceeding the $30 billion that goes to Latin America alone. Yet almost all of these transactions take place without the basic consumer rights and protections that apply to other electronic transfers. Consumers who send remittances are often immigrants and workers who earn modest wages, who are not aware of the full costs of each remittance, as a practical matter have no way of finding out and, as a consequence, in the aggregate pay billions of dollars in costs and hidden fees. They do not have available to them an established procedure for resolving transactional errors. This legislation rectifies this situation by extending to remittances the basic consumer rights established in EFTA. The bill also contains provisions that, when implemented, will allow more insured financial institutions to provide remittance services—and potentially at lower costs to consumers. The bill contains important provisions to help bring the unbanked—men and women without an account at a bank or credit union—into the financial mainstream. Taken together, these measures will increase transparency, competition and efficiency in the remittance market, while helping to bring more Americans into the financial mainstream.

A broad range of community, civil rights, and consumer groups have endorsed this legislation including the National Council of La Raza, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the Leadership Conference on Civil Rights, United Farm Workers of America, the Farmworker Justice Fund, the NAACP, Casa de Maryland, the National Federation of Filipino American Associations, the Asian Pacific American Labor Alliance, National Asian Pacific American Legal Consortium, Consumers Union, Consumer Federation of America, the National Consumer Law Center, the National Community Reinvestment Coalition, the Center for Responsible Lending, U.S. PIRG, ACORN, Woodstock Institute, and the National Association of Consumer Advocates.

I ask unanimous consent that the text of the Intemational Remittance Consumer Protection Act be printed in the RECORD, together with letters in support of the bill from the National Council of La Raza, the Mexican American Legal Defense and Educational Fund, the Leadership Conference on Civil Rights, Casa de Maryland, and a letter from Consumers Union, Consumer Federation of America, National Consumer Law Center, and U.S. PIRG.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2868

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 ''International Remittance Consumer Protection Act of 2004''.

SEC. 2. TREATMENT OF REMITTANCE TRANSFERS.

(a) IN GENERAL.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b), by inserting ''and remittance'' after ''electronic fund'';

(2) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(3) by inserting after section 917 the following:

''SEC. 918. REMITTANCE TRANSFERS.

''(a) DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.—

''(1) IN GENERAL.—Each remittance transfer provider shall make disclosures to consumers, as specified by this section and augmented by regulation of the Board.

''(2) SPECIFIC DISCLOSURES.—In addition to any other disclosures applicable under this title, a remittance transfer provider shall clearly and conspicuously disclose, in writing and in a form that the consumer may keep, to each consumer requesting a remittance transfer—

''(A) at the time at which the consumer makes the request, and prior to the consumer making any payment in connection with the transfer—

''(i) the total amount of currency that will be required to be tendered by the consumer in connection with the remittance transfer;

''(ii) the amount of currency that will be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds will be exchanged;

''(iii) the total remittance transfer cost, identified as the 'Total Cost'; and

''(iv) an itemization of the charges included in clause (iii), as determined necessary by the Board; and

''(B) at the time at which the consumer makes payment in connection with the remittance transfer, if any—

''(i) a receipt showing—

''(I) the information described in subparagraph (A);

''(II) the promised date of delivery;

''(III) the name and telephone number or address of the designated recipient; and

''(ii) a notice containing—

''(I) information about the rights of the consumer under this section to resolve errors; and

''(II) appropriate contact information for the remittance transfer provider and its State licensing authority and Federal or State regulator, as applicable.

''(3) EXEMPTION AUTHORITY.—The Board may, by rule, and subject to subsection (d)(3), permit a remittance transfer provider—

''(A) to satisfy the requirements of paragraph (2)(A) orally if the transaction is conducted entirely by telephone;

''(B) to satisfy the requirements of paragraph (2)(B) by mailing the documents required under such paragraph to the consumer not later than 1 business day after the date on which the transaction is conducted, if the transaction is conducted entirely by telephone; and

''(C) to satisfy the requirements of subparagraphs (A) and (B) of paragraph (2) with 1 written disclosure, but only to the extent that the information provided in accordance with paragraph (2)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer.

''(b) FOREIGN LANGUAGE DISCLOSURES.—The disclosures required under this section shall be made in English and in the same languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office, if other than English.

''(c) REMITTANCE TRANSFER ERRORS.—

''(1) ERROR RESOLUTION.—

''(A) IN GENERAL.—If a remittance transfer provider receives oral or written notice from the consumer within 365 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including that the full amount of the funds to be remitted was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the error pursuant to this subsection.

''(B) REMEDIES.—Not later than 90 days after the date of receipt of a notice from the consumer pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the consumer—

''(i) refund to the consumer the total amount of funds tendered by the consumer in connection with the remittance transfer which was not properly transmitted;

''(ii) make available to the designated recipient, without additional cost to the designated recipient or to the consumer, the amount appropriate to resolve the error;

''(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of consumers; or

''(iv) demonstrate to the consumer that there was no error.

''(2) RULES.—The Board shall establish, by rule, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect consumers from such errors.

''(d) APPLICABILITY OF OTHER PROVISIONS OF LAW.—

''(1) APPLICABILITY OF TITLE 18 AND TITLE 31 PROVISIONS.—A remittance transfer provider may only provide remittance transfers if such provider is in compliance with the requirements of section 5330 of title 31, United States Code, and section 1960 of title 18, United States Code, as applicable.

''(2) APPLICABILITY OF THIS TITLE.—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title that are otherwise applicable to electronic fund transfers under this title.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

''(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (2) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

''(e) PUBLICATION OF EXCHANGE RATES.—The Secretary of the Treasury shall make available to the public in electronic form, not later than noon on each business day, the dollar exchange rate for all foreign currencies, using any methodology that the Secretary determines appropriate, which may include the methodology used pursuant to section 613(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2363(b)).

''(f) AGENTS AND SUBSIDIARIES.—A remittance transfer provider shall be liable for any violation of this section by any agent or subsidiary of that remittance transfer provider.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'exchange rate fee' means the difference between the total dollar amount transferred, valued at the exchange rate offered by the remittance transfer provider, and the total dollar amount transferred, valued at the exchange rate posted by the Secretary of the Treasury in accordance with subsection (e) on the business day prior to the initiation of the subject remittance transfer;

''(2) the term 'remittance transfer' means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds at the request of a consumer located in any State to a person in another country that is initiated by a remittance transfer provider, whether or not the consumer is an account holder of the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903;

''(3) the term 'remittance transfer provider' means any person or financial institution that provides remittance transfers on behalf of consumers in the normal course of its business, whether or not the consumer is an account holder of that person or financial institution;

''(4) the term 'State' means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States; and

''(5) the term 'total remittance transfer cost' means the total cost of a remittance transfer expressed in dollars, including all fees charged by the remittance transfer provider, including the exchange rate fee.''.

(b) EFFECT ON STATE LAWS.—Section 919 of the Electronic Fund Transfer Act (12 U.S.C. 1693q) is amended—

(1) in the first sentence, by inserting ''or remittance transfers (as defined in section 918)'' after ''transfers''; and

(2) in the fourth sentence, by inserting '', or remittance transfer providers (as defined in section 918), in the case of remittance transfers,'' after ''financial institutions''.

SEC. 3. FEDERAL CREDIT UNION ACT AMENDMENT.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to provide remittance transfers, as defined in section 918(h) of the Electronic Fund Transfer Act, to persons in the field of membership; and

''(B) to cash checks and money orders for persons in the field of membership for a fee;''.

SEC. 4. AUTOMATED CLEARINGHOUSE SYSTEM.

(a) EXPANSION OF SYSTEM.—The Board of Governors of the Federal Reserve System shall work with the Federal reserve banks to expand the use of the automated clearinghouse system for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(1) the number, volume, and sizes of such transfers;

(2) the significance of the volume of such transfers, relative to the external financial flows of the receiving country; and

(3) the feasibility of such an expansion.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and on April 30 biannually thereafter, the Board of Governors of the Federal Reserve System shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this section.

SEC. 5. EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.

(a) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and the National Credit Union Administration shall provide guidelines to financial institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(b) CONTENT OF GUIDELINES.—Guidelines provided to financial institutions under this section shall include—

(1) information as to the methods of providing remittance transfer services;

(2) the potential economic opportunities in providing low-cost remittance transfers; and

(3) the potential value to financial institutions of broadening their financial bases to include persons that use remittance transfers.

(c) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—The Secretary of the Treasury and each agency referred to in subsection (a) shall, as part of their duties as members of the Financial Literacy and Education Commission, assist that Commission in improving the financial literacy and education of consumers who send remittances.

SEC. 6. STUDY AND REPORT ON REMITTANCES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of the remittance transfer system, including an analysis of its impact on consumers.

(b) AREAS OF CONSIDERATION.—The study conducted under this section shall include, to the extent that information is available—

(1) an estimate of the total amount, in dollars, transmitted from individuals in the United States to other countries, including per country data, historical data, and any available projections concerning future remittance levels;

(2) a comparison of the amount of remittance funds, in total and per country, to the amount of foreign trade, bilateral assistance, and multi-development bank programs involving each of the subject countries;

(3) an analysis of the methods used to remit the funds, with estimates of the amounts remitted through each method and descriptive statistics for each method, such as market share, median transaction size, and cost per transaction, including through—

(A) depository institutions;

(B) postal money orders and other money orders;

(C) automatic teller machines;

(D) wire transfer services; and

(E) personal delivery services;

(4) an analysis of advantages and disadvantages of each remitting method listed in subparagraphs (A) through (E) of paragraph (3);

(5) an analysis of the types and specificity of disclosures made by various types of remittance transaction providers to consumers who send remittances; and

(6) if reliable data are unavailable, recommendations concerning options for Congress to consider to improve the state of information on remittances from the United States.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study conducted under this section.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, Sept. 30, 2004.

Hon. PAUL SARBANES,
Ranking Member, U.S. Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Council of La Raza (NCLR), the largest national Hispanic constituency-based organization, I write to express our support for your proposed legislation, the International Remittance Consumer Protection Act of 2004.

As you know very well, the cost of sending remittances to Latin America can be very high—as much as 12 percent per transaction. Lack of competition in the remittance business, which is dominated by a small number of companies that charge higher fees than financial institutions, has kept prices high. In addition to fees, consumers are often subject to poor monetary exchange rates that are not fully disclosed. These exorbitant fees and hidden charges adversely affect many Latinos who send money regularly to Latin America. Many of these remitters are working poor, and nearly half (43 percent) do not have basic banking accounts to conduct simple transactions.

For these reasons, we appreciated the opportunity to meet with your staff and provide input regarding several issues that affect Latino remittance senders. Specifically, we support provisions in your bill that require disclosing upfront all fees and exchange rates to consumers, most of whom are immigrant and/or English language learners (ELL), in languages and formats accessible to them; allow credit unions to offer remittance and check cashing services to nonmembers in the field of membership, which will connect remitters to low-cost financial services facilitating their entry into the financial mainstream; and assist the Federal Financial Literacy Commission in informing remitters of new consumer rights relating to remittance transactions via wire transfers.

Again, thank you for soliciting our feedback on the International Remittance Consumer Protection Act and for your continued support of Latino and immigrant communities. We look forward to working with you to ensure that immigrants have access to information and make fully-informed choices when wiring money to family members abroad. In the end, we hope such legislative measures will provide remitters greater access to mainstream banking tools and services to improve their long-term financial security. We hope to work with you to achieve these goals. Please do not hesitate to contact me if I can be of assistance to you.

Sincerely,

RAUL YZAGUIRRE,
President/CEO.

[Sept. 30, 2004]

MALDEF APPLAUDS SARBANES BILL TO REGULATE REMITTANCES AND PROTECT LATINOS' CONSUMER RIGHTS

(By MALDEF President and General Counsel Ann Marie Tallman)

MALDEF applauds Senator Paul Sarbanes' (D–MD) introduction of the International Remittance Consumer Protection Act of 2004. We believe this bill is the first step in the right direction to improve Latino immigrants' access to banks, and to protect their rights as consumers. This bill is long overdue. MALDEF urges Congress to pass it into law and protect Latino consumer rights.

Senator Sarbanes' International Remittance Consumer Protection Act would bring remittance transfers under the umbrella of protection of U.S. financial services laws. It would make remittance transfers subject to the same set of laws to which any other money transaction in the U.S. is subject. Senator Sarbanes' bill would provide for basic consumer protections for the millions of Latinos and the billions of dollars they send through remittances, by requiring full disclosure of all transfer fees, and a receipt with such full disclosure in the language used by the consumer. It would also provide for error resolutions and reimbursements when family members overseas do not receive the full amount of funds sent. The bill would also: (1) permit credit unions to offer remittance and check cashing services; (2) direct the Federal Reserve Board to provide guidelines to encourage U.S. financial institutions to offer low-cost remittance services and tap into this market; (3) assist the Federal Financial Literacy Commission in improving ''financial literacy'' of consumers who send remittances; and (4) direct the General Accounting Office to study the remittance market and report to Congress with its findings.

Latino immigrants' remittances represent the most important source of ''development aid'' to most Latin American countries. Hard-working Latino immigrants are making essential contributions to the U.S. economy, and U.S. financial institutions have benefited greatly from Latino immigrants' money transfers or ''remittances.'' In keeping with the tradition of American immigrants, more than 60 percent of Latin American born adults generously send money to their extended families in Latin America on a regular basis. The volume is staggering—the International Monetary Fund reported that over $30 billion in remittances are expected to be sent from the United States to Latin America in 2004. The Hispanic Association of Corporate Responsibility reported that Mexico is the second-largest recipient, just behind India, and that nearly 12 percent of remittances worldwide go to Mexico. This market is unregulated, leaving Latinos vulnerable to excessive processing fees imposed by some remittance transfer agencies. As the PEW Hispanic Center has reported, the fees have been inappropriately high, reaching up to 20 percent. Even worse, some Latinos have had their hard-earned money never reach their intended recipients, or portions of their transfers have been skimmed by unscrupulous agents.

For all these reasons, MALDEF thanks Senator Sarbanes for the introduction of the International Remittance Consumer Protection Act, and urges the Congress to enact this essential piece of legislation as soon as possible, in order to protect Latino consumer rights.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, DC, Sept. 30, 2004.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest and most diverse civil and human rights coalition, we write to express our strong support for the ''International Remittance Consumer Protection Act of 2004.'' LCCR greatly appreciates your efforts to strengthen the rights of consumers who send money overseas.

This important legislation will, for the first time, bring remittances under the framework of federal consumer protection law, and will encourage transparency and competition in the remittance market. There are three key components to the bill:

First, it establishes clear disclosure requirements for remittance transfer companies, including the requirement that the cost of the exchange rate conversion be included in the total cost of the transfer. This cost is, at present, a hidden fee through which consumers are unwittingly charged excessive and abusive additional costs. The bill also takes an innovate approach to calculating the exchange rate fee, so consumers will be able to shop among different remittance companies with the full knowledge of each company's prices.

Second, it creates an open and fair error resolution process for remittance transfer errors. Currently, consumers who send remittances do not have any guaranteed recourse to recover money if a remittance transfer company fails to deliver on its promises. The bill establishes an error resolution mechanism for remittance transfer errors that is responsive to the different types of errors that can occur in a remittance transaction, and is reflective of the unique characteristics of the remittance market and its participants.

Finally, it requires Federal bank and credit union regulators to encourage federally-insured financial institutions to offer low-cost remittance services and no-cost or low-

cost basic consumer bank accounts. It is estimated that half of all remittance senders do not have a bank account, and only one in ten consumers use banks to send remittances. This requirement on the Federal regulators will further encourage competition in the market and will assist in the critical effort to bank the unbanked.

We greatly appreciate your leadership on this issue, and we look forward to working with you to enact the International Remittance Consumer Protection Act of 2004. If we can be of any help, please feel free to contact Rob Randhava, LCCR Policy Analyst, at (202) 466–6058.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

CASA OF MARYLAND, INC.,
Takoma Park, Md.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of CASA of Maryland, Inc., the largest Latino service and advocacy organization in Maryland, I write to offer strong support for the ''International Remittance Consumer Protection Act of 2004.'' CASA greatly appreciates your efforts to strengthen the rights of consumers who send money overseas.

CASA of Maryland, Inc. provides high quality and affordable remittances services for the Latino community in Maryland. We witness every day the abuses that this legislation will prevent.

This historic legislation brings remittances under the framework of federal consumer protection law, and will encourage transparency and competition in the remittance market. There are three components to the bill:

First, it establishes clear disclosure requirements for remittance transfer companies, including the requirement that the cost of the exchange rate conversion be included in the total cost of the transfer. This cost is, at present, a hidden fee through which consumers are unwittingly charged excessive and abusive additional costs. The bill also takes an innovate approach to calculating the exchange rate fee, so consumers will be able to shop among different remittance companies with the full knowledge of each company's prices.

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Finally, it requires Federal bank and credit union regulators to encourage federally-insured financial institutions to offer low-cost remittance services and no-cost or low-cost basic consumer bank accounts. It is estimated that half of all remittance senders do not have a bank account, and only one in ten consumers use banks to send remittances. This requirement on the Federal regulators will further encourage competition in the market and will assist in the critical effort to bank the unbanked.

On behalf of the immigrant community throughout Maryland, I congratulate you on your leadership with this issue, and we look forward to working with you to enact the International Remittance Consumer Protection Act of 2004. If I can be of any assistance, please feel free to contact me at 301–270–0419.

Sincerely,

GUSTAVO TORRES,
Executive Director.

CONSUMERS UNION
WEST COAST OFFICE,
San Francisco, CA, September 30, 2004.

Senator PAUL SARBANES,
U.S. Senate.

DEAR SENATOR SARBANES: Consumers Union, the nonprofit publisher of Consumer Reports, the Consumer Federation of America, the National Consumer Law Center on behalf of its low income clients, and U.S. PIRG are pleased to express our strong support the International Remittance Consumer Protection Act of 2004, as introduced today. This bill will provide essential information and consumer protections to hardworking people who send money to family members in other countries, very significantly improving the operation of the money transmission marketplace for consumers.

Consumers in the U.S. send a significant dollar volume of international remittances using both financial institutions and non-financial institutions. Money sent to family members outside the U.S. represents hard-earned family income. As the Inter-American Development Bank has said: ''The dramatic growth of international remittances is testimony to the hard work and commitment of migrant workers seeking better lives for themselves and their families.'' Money transmission costs, disclosures, and consumer rights are not an issue that extends beyond recent immigrants. Consumers who are U.S. citizens or longstanding residents also send money to family members outside of the U.S.

U.S consumers sent $13.2 billion to Mexico in 2003, usually in amounts of about $500 per transmission, according to a report by the Pew Hispanic Center. According to the Inter-American Development Bank, U.S. consumers send $38 billion a year to Latin America and the Caribbean, often in amounts of $200 to $300 per transmission. U.S. workers also send money to India, the Philippines, and other countries.

Consumers who transmit funds internationally need the protections that would be provided by the International Remittance Consumer Protection Act of 2004. These protections include plain disclosures before sending the money such as the amount of foreign currency that will actually be sent to the recipient in another country and the total cost of the money transmission. The bill will require that this information to be given before the transaction starts, which is the time that pricing information is most useful to the consumer. Consumers who are informed about the true amount of funds that will be sent, and about the full cost of the money transmission transaction, can shop around much more effectively for the best rates and fees.

The bill will also require that the consumer be given a receipt with this important pricing information and with the date when the money is to be delivered. In addition, the bill will protect persons in the U.S. who send money out of the country if that money is not received in the other country, or if the wrong amount is received. These error resolution provisions are designed specifically for money transmission, but are based on the same principles as existing protections that consumers enjoy when they make payments domestically using an electronic fund transfer from a bank account. Money that is sent to family members outside the country often is essential to the economic survival of those family members. It is important that the funds arrive as promised. This bill would require money transmitters to tell the sender when the money should arrive and would also create a mechanism for a refund if there is a problem with the sending of the funds.

Finally, the bill would encourage more federally insured financial institutions to offer low cost remittance services. Since some consumers who send remittances do not have bank accounts, this could be a way for federally insured financial institutions to serve new markets. According to an extensive study by the Pew Hispanic Center, financial institutions current have only about 3% of the international remittance market.

For these reasons, we are pleased to express our very strong support for the International Remittance Consumer Protection Act of 2004.

Very truly yours,

GAIL HILLEBRAND,
Consumers Union of U.S., Inc.
JEAN ANN FOX,
Consumer Federation of America.
MARGOT SAUNDERS,
National Consumer Law Center.
ED MIERZWINSKY,
U.S. PIRG.

By Mr. GRAHAM of South Carolina (for himself and Mr. CORNYN):

S. 2871. A bill to provide for enhanced criminal penalties for crimes related to slavery and alien smuggling; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. Mr. President, as we all know, people from all over the world want to come to America to pursue a better life for themselves and their families.

Unfortunately, however, some people entrust their lives to some very dangerous people in their effort to gain our shores. And, tragically, some people are brought here against their will and kept as human chattel, enslaved in horrible conditions, in the midst of our freedom.

After hearing of the horrible deaths of aliens smuggled into the country and inhumanely abandoned along a Texas highway last year, I wanted to examine whether we are doing all we can to combat these horrible crimes.

In talking with various law enforcement officials and victims, I heard of alien smugglers and traffickers who, through unabashed acts of profiteering, endanger the lives of countless aliens while compromising the integrity of our immigration laws at the same time. Make no mistake, the incentives for human smugglers are enormous. According to the Department of State, human smuggling around the globe generates an estimated $9.5 billion a year.

The commodities involved in this illicit trade are men, women, and children who, for the smuggler, represent substantial profits. The State Department estimates that more than a million women and children are trafficked around the world each year, generally for the purpose of domestic servitude, sweatshop labor, or sexual exploitation. At any given time, the Department estimates that thousands of people are in the smuggling pipeline, with the United States being the primary

target. Smugglers deliver some 50,000 aliens here each year. Alien smuggling is a global problem which requires a systematic and coordinated response. We should do all we can within our criminal laws to combat this terrible problem.

Given the risks associated with these crimes every time they are carried out, the punishment should be appropriate to deter future smuggling or trafficking, and to sufficiently sanction those who are caught. Currently, Title 8 smuggling provisions provide that a person found guilty of alien smuggling where death results is subject to the full range of punishments, including the death penalty. However, if death results from a Title 18 trafficking offense, where the victims are arguably more vulnerable, the defendant is not subjected to the death penalty.

In my opinion, an important component of criminal justice prosecutions is to serve as a deterrent to others who may be disposed to commit a crime. We should ensure that the punishments for smuggling and trafficking crimes are such that the risks of apprehension, prosecution and punishment far outweigh the payday at their delivery point. And, we need to be diligent in making certain that notice of these penalties is conveyed to those who are engaged in this enterprise, up and down the smuggling and trafficking organizational chain. Obviously, in my opinion, the best way to do that is the vigorous prosecution and harsh punishment of those we do catch.

I also want to say a word about the goal of this legislation. Clearly, the smuggling and trafficking problem impacts a host of immigration issues. While we are engaged in the nationwide debate surrounding immigration, we must also ensure that the crimes related to smuggling and trafficking are punished appropriately. We should not wait for the conclusion of debate on the overall issue.

Whatever your feelings are regarding immigration policy, I think everyone can agree that we must not allow otherwise innocent men, women, and children to be abused and killed by those who seek to profit from the desperation of others.

By Mr. BUNNING (for himself and Mr. NELSON of Nebraska):

S. 2872. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Agricultural Business Security Investment Tax Credit Act of 2004. I am pleased to join with my colleague from Nebraska, Senator NELSON, In supporting this important legislation.

Security at our agricultural facilities has regrettably become a national concern in the last decade. While we saw agricultural products used for destruction in Oklahoma City in 1995, our concerns have only been compounded by the tragedies of September 11 and the threat of terrorism. The Senate recognized this growing concern when we considered agricultural products in the Federal hazardous materials lists in the USA Patriot Act of 2001.

The American agricultural industry has already recognized some of the dangers on its own and has made significant strides in improving security. Shops throughout the country have started to invest in security measures to keep their chemicals and fertilizers from being used illegally. In 2003, the Agricultural Retailers Association published a web-based, security-vulnerability assessment tool and has cooperated with the USDA to secure farmers and ranchers.

But vulnerability assessments often require as much as $50,000 to $100,000 in capital investment. Meeting these pressing security needs is not feasible for many of the more than 9,000 retail facilities with fertilizer and chemicals stocks in the United States.

That is why it is important we enact this tax credit. The credit would equal 50 percent of the cost of eligible security upgrades at agricultural retail businesses and is capped at $50,000 during any 5 year period. This money can be used for many different security programs, such as employee background checks, locking equipment and even the latest chemical additives that can render fertilizer unfit for illegal purposes.

In my home State of Kentucky, fertilizer theft has become a serious problem and is contributing to a dangerous rise in the illegal drug trade. One common fertilizer, anhydrous ammonia, is stolen in large quantities and is a fundamental part of the production of some forms of methamphetamine. This problem is especially bad in rural areas where police officers in Kentucky are try to curb the problem by distributing locks to farmers and training them to identify the signs of a methamphetamine label.

But these efforts are not enough. This legislation is an important step to ensure that America's agricultural facilities are secure. Without our action, many of the facilities throughout our country would simply be unable to fund security improvements. We cannot risk fertilizers and chemicals falling into the wrong hands and facilitating illegal drug manufacturing or terrorist bomb makers. I hope my colleagues will join Senator NELSON and me in supporting this important legislation.

By Mr. GRASSLEY:

S. 2873. A bill to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2873

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

SECTION 1. HOLDING OF COURT FOR THE SOUTHERN DISTRICT OF IOWA.

Section 11029 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 95 note; Public Law 107–273; 116 Stat. 1836) is amended by striking ''July 1, 2005'' and inserting ''July 1, 2006''.

By Mr. BIDEN:

S. 2874. A bill to authorize appropriations for international broadcasting operations and capital improvements, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation to significantly expand our international broadcasting to the Muslim world.

The United States currently broadcasts news and information in over 60 languages to nations in every region of the world. Through both radio and TV, we tell America's story to the world—with news and information programming about not only U.S. Government policy, but life and culture in the United States. We also bring the world to overseas audiences, providing them local, regional and world news that they often may not receive, especially in closed societies. Such broadcasts have been an important foreign policy tool for six decades, since Voice of America broadcasts were initiated during the Second World War. During the Cold War, Radio Free Europe and Radio Liberty broadcasts behind the Iron Curtain were a literal information lifeline for millions trapped under Soviet misrule.

Since the attacks of September 11, 2001, the Broadcasting Board of Governors, the Federal agency responsible for these broadcasts, has significantly expanded our outreach to the Muslim world. At the direction of Congress, it reestablished Radio Free Afghanistan broadcasts, which had been curtailed in the 1990s. It initiated a new Arabic-language service to the Middle East—Radio Sawa—featuring a new format of both music and news and information programming designed to reach younger audiences. It started a new Persian service, Radio Farda, broadcast to Iran. And it launched a satellite television station, Alhurra, which is transmitted across the Arab world in an effort to compete with other pan-Arab television outlets like Al Jazeera and Al Arabiya.

We have seen dramatic results. In several cities in the Middle East, Radio Sawa is now the leading international broadcaster, and is competitive with local stations. A survey conducted in Morocco earlier this year shows that, in Casablanca and Rabat, Radio Sawa is the No. 1 station among all listeners over age 15. Some 88 percent of people in those cities under the age of 30 listen weekly, and 64 percent of those

over age 30 do so. The listener audience is not as high in other countries—ranging from a low of 2 percent in Lebanon to 7 percent in Egypt to 42 percent in the UAE to 45 percent in Kuwait. But these data are phenomenal for international broadcasting, where you are doing well if you are attracting five percent of the audience weekly.

Although Alhurra television programming has only been on the air for 7 months, it is already attracting an important audience share. Recent data indicate that some 33 percent watch it weekly in Kuwait, 20 percent watch it weekly in Saudi Arabia, and 19 percent watch it weekly in Jordan and the United Arab Emirates. That's not as high as Al Jazeera and Al Arabiya, other pan-Arab satellite networks that are more dominant, but after 7 months, we are in the game.

We can and should build on these successes, by expanding our broadcasting efforts to other nations with large Muslim populations—from Southeast Asia to Central and South Asia to the African continent. The bill that I introduce today authorizes such an expansion, and would provide for new or expanded services, in both radio and television, to all of these regions. This would not involve a one-sized-fits-all approach, but a targeted effort based on analysis of each individual market.

I do not want to imply that this will provide an immediate impact. It will be a significant challenge. It will require additional resources and personnel. It will require diplomatic efforts—to obtain permission for construction relay stations and to procure local broadcast licenses. But we cannot afford not to try.

Around the globe, there are some 1.2 billion Muslims. Polling data indicate that favorable attitudes toward the United States and U.S. policy have declined considerably in the last few years. One report, prepared by the Pew organization in June 2003, stated that ''the bottom has fallen out of support for America in most of the Muslim world. Negative views of the U.S. among Muslims, which had been largely limited to countries in the Middle East, have spread to Muslim populations in Indonesia and Nigeria.'' The negative image of America is perhaps the natural result of our status as a global superpower. It also stems from disagreements in foreign nations with U.S. policy. But it is also the result of a failure to explain U.S. policy, and a failure to engage in a dialogue with foreign audiences.

The negative opinion in the world about the United States and U.S. policy is a national security challenge of the fist order. We must deal with this simple fact: most foreign governments, even non-democratic ones, are constrained in their ability to support American policy if their own people oppose the United States and its policies. We must, therefore, greatly expand our efforts to engage foreign audiences, not in a one-way monologue, but in a dialogue. International broadcasting is just one means of conducting that dialogue. We have to explain who we are, what we stand for, and what our motives are. If we don't, we will have ceded the field to people who will misrepresent our policies or our motives.

International broadcasting is one of several public diplomacy programs—such as international exchanges and information programs—that have been underfunded and understaffed for too long. This legislation I introduce today only addresses international broadcasting. We should make similar investments in our other public diplomacy programs, and I will continue to work to ensure that we do so.

The 9/11 Commission recognized the lack of adequate funding for these programs, and called on Congress and the administration to invest in them. Among other things, the Commission specifically recommended that we increase funding for international broadcasting:

> Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.

The 9/11 Commission did not recommend a specific budget amount, or provide a detailed plan. This proposal does both. It is based on a thoroughly-researched plan. It provides significant resources—$222 million in one-time costs, and annual costs of $345 million. This represents about a 60 percent increase over the current annual budget of $570 million for such broadcasting. Relative to other national security programs, I believe it is a bargain—and an investment that is well worth the price.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2874

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 ''Initiative 911 Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Open communication of information and ideas among peoples of the world contributes to international peace and stability, and that the promotion of such communication is important to the national security of the United States.

(2) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(3) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(4) The report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

SEC. 3. SPECIAL AUTHORITY FOR SURGE CAPACITY.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Effective October 1, 2004, there are authorized to be appropriated to the President such amounts as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.''.

SEC. 4. REPORT.

In each annual report submitted under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) after the date of enactment of this Act, the Broadcasting Board of Governors shall give special attention to reporting on the activities carried out under this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division of G of the

Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 107–277), and this Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $497,000,000 for the fiscal year 2005.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $70,000,000 for the fiscal year 2005.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

By Mrs. HUTCHISON (for herself, Mr. BAYH, and Mr. KENNEDY):

S. 2876. A bill to amend title XVIII of the Social Security Act to eliminate reductions in payments to hospitals for the indirect costs of medical education; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today to restore Medicare reimbursement to hospitals. I introduce the American Hospital Preservation Act with my colleague, Senator BAYH, to restore reimbursement for indirect medical education (IME) payments to teaching hospitals. IME payments give teaching hospitals an additional Medicare reimbursement due to their higher costs of inpatient care. The Medicare Modernization Act restored the reimbursement rate to 6 percent for fiscal year 2004. However this payment update expires today. Over the next 3 years, reimbursements to teaching hospitals will decrease, making it more difficult to care for our sick and to train our future health care providers. The American Hospital Preservation Act would fix the reimbursement rate at 6.0 and will ensure our hospitals are compensated for the invaluable care they provide to our patients.

Hospital admissions have risen from 31 million patients in 1990 to 33 million in 2000, and the number of days in the hospital is rising as well. Increased admissions, rising liability premiums, and the cost of advanced technology have forced hospitals to cut back on services. The cost of a pint of blood increased 31 percent in 2001, an additional $920 million burden to hospitals. Such costs are continuing to rise, yet Medicare reimbursements to hospitals are not keeping pace with inflation and their margins are slowly shrinking. Fifty-eight percent of hospitals are losing money on the Medicare patients they treat.

Teaching hospitals have higher costs due to their critical role in educating tomorrow's physicians. They run more tests, utilize newer technology and require more staff because they are training our future health professionals. Preserving this reimbursement rate is vital to continuing this training. Although only 23 percent of all hospitals are teaching hospitals, they deliver over two-thirds of charity care. Many patients rely on these hospitals for their health, which make-up 78 percent of all trauma centers and 80 percent of all burn beds. Further, a disproportionate percentage of the most seriously ill and injured patients are treated and convalesce in teaching hospitals. Emergency rooms are increasingly used as a primary care clinic because patients cannot find a physician who accepts Medicare, and they treat more individuals who are uninsured. In 2000, hospitals provided $21.6 billion in uncompensated care.

Lower reimbursement rates coupled with bioterrorism risks and a workforce shortage make our hospitals a time bomb waiting to go off. It is our responsibility to ensure they have adequate resources.

I look forward to working with my colleagues to pass the American Hospital Preservation Act.

By Mr. GREGG (for himself, Mr. BOND, and Mr. GRAHAM of South Carolina):

S. 2877. A bill to reduce the special allowance for loans from the proceeds of tax exempt issues, and to provide additional loan forgiveness for teachers who teach mathematics, science, or special education; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, in recent days, much ink has been spilled and much rhetoric bandied about on the subject of the 8.5 percent interest rate on student loans the Federal Government guarantees to a handful of lenders. We all agree that this loophole, which results in windfall profits to some lenders and banks, should be ended.

Only recently have my colleagues on the other side of the aisle even acknowledged that this was a problem. It should be noted, that Democrats not only created and protected this flawed policy during the Clinton administration they failed to correct the problem when they were in the majority.

Republicans have repeatedly demonstrated a commitment to ending the exploitation of the 9.5 percent interest rate guarantee. The President submitted a budget in February that closed the loophole. House Republicans introduced a higher education bill in May that also would close the loophole. But Democrats showed no interest in moving either of those pieces of legislation. Instead, they have recently offered a series of misguided, ineffectual attempts to close the loophole. The Kildee amendment that passed the House did not close the loophole—a fact even Senate Democrats acknowledge. That amendment prohibited discretionary funds from being used to administer the 9.5 percent payments or for the payments themselves. The fact that such payments are made with mandatory funds under the Higher Education Act renders the amendment powerless.

Similarly, Senator MURRAY's amendment that was rejected at the Labor-HHS-Education markup failed to close the loophole for several reasons. Her amendment would have allowed lenders to transfer loans within their portfolio to continue to receive the 9.5 percent guarantee, a practice explicitly criticized in the GAO report on this issue. Worse, her amendment would have spent more money than it generated by converting savings that accrue over 10 years into discretionary expenditures to be spent in a single year, 2005.

Senator MURRAY's amendment would also have jeopardized student benefits nationwide by preventing nonprofit lenders, which are required to pour any extra Federal funds they receive back into the student loan program, from legitimately receiving the guarantee. In other words, her amendment would have led to increased interest rates and origination fees for student borrowers, and the elimination of loan forgiveness programs for nurses, teachers, and public safety officers.

The potential damage did not end there. Because Senator MURRAY's amendment would have disrupted contractual obligations between the Federal Government and lenders and note holders, it could have exposed the Department of Education to costly litigation and risk a court order requiring the payments to be restored.

Clearly, efforts to end the loophole have been unproductive or worse thus far. Today, I hope to transform the debate by introducing the Taxpayer-Teacher Protection Act of 2004, along with my colleagues, Senators BOND and GRAHAM, and Representative BOEHNER in the House. This legislation will close the loophole for one year and direct the resulting savings toward the expansion of teacher loan forgiveness programs for math, science and special education teachers in schools with large numbers of disadvantaged students, without cutting student benefits enjoyed by borrowers who receive loans from nonprofit lenders.

Specifically, the bill would protect taxpayers by shutting down the loophole in 2005 in a way that immediately halts the high subsidies for refunding, transfers of loans from tax-exempt to taxable bonds and other related transactions. It puts lenders and note holders on notice that Congress will permanently and quickly phase out all other aspects of the 9.5 percent guarantee without putting the federal government in jeopardy of costly litigation. The bill protects student benefits provided by non-profit lenders, including 0 percent interest rate student loans for on-time completion, lower interest rates for certain students and loan forgiveness for teachers, nurses and public safety personnel.

The bill invests the related savings to more than triple teacher loan forgiveness to $17,500 for teachers of math, science, and special education—disciplines where there are widespread shortages, particularly in the inner city and rural communities—who teach in high-need schools districts for five years, and who meet the No Child Left Behind definition of a highly qualified

teacher. Such loan forgiveness provides an important recruiting tool for local districts to fill teacher shortages, and rewards teachers who teach disadvantaged children and children with disabilities, while preparing the students in the areas of math and science that are so critical to our security and prosperity as a nation.

The President recently sent us a letter reiterating his desire that Congress act quickly to enact legislation to close the loophole. I urge my colleagues who are serious about ending this loophole to join me in supporting the Taxpayer-Teacher Protection Act of 2004, so that we can send it to the President's desk without delay, and send our dollars where they belong—benefiting students.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2877

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 ''Taxpayer-Teacher Protection Act of 2004''.

SEC. 2. REDUCTION OF THE SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.

Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(1) in clause (i), by striking ''this division'' and inserting ''this clause'';

(2) in clause (ii), by striking ''division (i) of this subparagraph'' and inserting ''clause (i) of this subparagraph'';

(3) in clause (iv), by inserting ''or refunded on or after October 1, 2004 and before October 1, 2005,'' after ''October 1, 1993,''; and

(4) by adding at the end the following new clause:

''(v) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for a holder of loans that—

''(I) were made or purchased with funds—

''(aa) obtained from the issuance of obligations the income from which is excluded from gross income under the Internal Revenue Code of 1986 and which obligations were originally issued before October 1, 1993; or

''(bb) obtained from collections or default reimbursements on, or interests or other income pertaining to, eligible loans made or purchased with funds described in division (aa), or from income on the investment of such funds; and

''(II) were—

''(aa) financed by such an obligation that has matured, or been retired or defeased;

''(bb) refinanced on or after October 1, 2004 and before October 1, 2005, with funds obtained from a source other than funds described in subclause (I) of this clause; or

''(cc) sold or transferred to any other holder on or after October 1, 2004 and before October 1, 2005.''.

SEC. 3. LOAN FORGIVENESS FOR TEACHERS.

(a) IMPLEMENTING HIGHLY QUALIFIED TEACHER REQUIREMENTS.—

(1) AMENDMENTS.—

(A) FFEL LOANS.—Section 428J(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(b)(1)) is amended—

(i) in subparagraph (A), by inserting ''and'' after the semicolon; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary Secondary Education Act of 1965; and''.

(B) DIRECT LOANS.—Section 460(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087j(b)(1)(A)) is amended—

(i) in clause (i), by inserting ''and'' after the semicolon; and

(ii) by striking clauses (ii) and (iii) and inserting the following:

''(ii) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and''.

(2) TRANSITION RULE.—

(A) RULE.—The amendments made by paragraph (1) of this subsection to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 shall not be applied to disqualify any individual who, before the date of enactment of this Act, commenced service that met and continues to meet the requirements of such sections as such sections were in effect on the day before the date of enactment of this Act.

(B) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Subparagraph (A) of this paragraph shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 as added by subsection (b) of this section.

(b) ADDITIONAL AMOUNTS ELIGIBLE TO BE REPAID.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall be not more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science on a full-time basis; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b);

''(ii) whose qualifying employment for purposes of such subsection is as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Education Act); and

''(iii) who, as certified by the chief administrative officer of the public or non-profit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that corresponds with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.''.

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall cancel under this section shall be not more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b)(1); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science on a full-time basis; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b)(1);

''(ii) whose qualifying employment for purposes of such subsection is as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Education Act); and

''(iii) who, as certified by the chief administrative officer of the public or non-profit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that corresponds with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply only with respect to eligible individuals who are new borrowers on or after October 1, 1998, and before October 1, 2005.

By Mr. CAMPBELL:

S. 2878. A bill to amend the Hoopa-Yurok Settlement Act to provide for the acquisition of land for the Yurok Reservation and an increase in economic development beneficial to the Hoopa Valley Tribe and the Yurok Tribe, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce The Hoopa-Yurok Settlement Amendment Act of 2004, a bill that would provide for the acquisition of land for the Yurok Reservation and an increase in economic development beneficial to the Hoopa Valley Tribe and Yurok Tribe in the State of California. This bill is introduced at the request of the Hoopa Valley Tribe and the Yurok Tribe, and is for discussion purposes only.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2878

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 ''Hoopa-Yurok Settlement Amendment Act of 2004''.

SEC. 2. ACQUISITION OF LAND FOR THE YUROK RESERVATION.

Section 2(c) of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i–1(c)) is amended by adding at the end the following:

''(5) LAND ACQUISITION.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Secretary of Agriculture shall—

''(i) in consultation with the Yurok Tribe, identify Federal and private land available from willing sellers within and adjacent to

or in close proximity to the Yurok Reservation in the aboriginal territory of the Yurok Tribe (excluding any land within the Hoopa Valley Reservation) as land that may be considered for inclusion in the Yurok Reservation;

''(ii) negotiate with the Yurok Tribe to determine, from the land identified under clause (i), a land base for an expanded Yurok Reservation that will be adequate for economic self-sufficiency and the maintenance of religious and cultural practices;

''(iii) jointly with the Yurok Tribe, provide for consultation with local governments, and other parties whose interests are directly affected, concerning the potential sale or other transfer of land to the Yurok Tribe under this Act;

''(iv) submit to Congress a report identifying any parcels of land within their respective jurisdictions that are determined to be within the land base negotiated under clause (ii); and

''(v) not less than 60 days after the date of submission of the report under clause (iv), convey to the Secretary in trust for the Yurok Tribe the parcels of land within their respective jurisdictions that are within that land base.

''(B) ACCEPTANCE IN TRUST.—The Secretary shall—

''(i) accept in trust for the Yurok Tribe the conveyance of such private land as the Yurok Tribe, or the United States on behalf of the Yurok Tribe, may acquire from willing sellers, by exchange or purchase; and

''(ii) provide for the expansion of the Yurok Reservation boundaries to reflect the conveyances.

''(C) FUNDING.—Notwithstanding any other provision of law, from funds made available to carry out this Act, the Secretary may use $2,500,000 to pay the costs of appraisals, surveys, title reports, and other requirements relating to the acquisition by the Yurok Tribe of private land under this Act (excluding land within the boundaries of the Hoopa Valley Reservation).

''(D) REPORT.—

''(i) IN GENERAL.—Not later than 90 days after the date of submission of the report under subparagraph (A)(iv), the Secretary, in consultation with the Secretary of Agriculture relative to the establishment of an adequate land base for the Yurok Tribe, shall submit to Congress a report that describes—

''(I) the establishment of an adequate land base for the Yurok Tribe and implementation of subparagraph (A);

''(II) the sources of funds remaining in the Settlement Fund, including the statutory authority for such deposits and the activities, including environmental consequences, if any, that gave rise to those deposits; and

''(III) disbursements made from the Settlement Fund;

''(IV) the provision of resources, reservation land, trust land, and income-producing assets including, to the extent data are available (including data available from the Hoopa Valley Tribe and the Yurok Tribe), the environmental condition of the land and income-producing assets, infrastructure, and other valuable assets; and

''(V) to the extent data are available (including data available from the Hoopa Valley Tribe and the Yurok Tribe), the unmet economic, infrastructure, and land needs of each of the Hoopa Valley Tribe and the Yurok Tribe.

''(ii) LIMITATION.—No expenditures for any purpose shall be made from the Settlement Fund before the date on which, after receiving the report under clause (i), Congress enacts a law authorizing such expenditures, except as the Hoopa Valley Tribe and Yurok Tribes may agree pursuant to their respective constitutional requirements.

''(6) CLAIMS.—

''(A) IN GENERAL.—The Court of Federal Claims shall hear and determine all claims of the Yurok Tribe or a member of the Yurok Tribe against the United States asserting that the alienation, transfer, lease, use, or management of land or natural resources located within the Yurok Reservation violates the Constitution, laws, treaties, Executive orders, regulations, or express or implied contracts of the United States.

''(B) CONDITIONS.—A claim under subparagraph (A) shall be heard and determined—

''(i) notwithstanding any statute of limitations (subject to subparagraph (C)) or any claim of laches; and

''(ii) without application of any setoff or other claim reduction based on a judgment or settlement under the Act of May 18, 1928 (25 U.S.C. 651 et seq.) or other laws of the United States.

''(C) LIMITATION.—A claim under subparagraph (A) shall be brought not later than 10 years after the date of enactment of this paragraph.''.

SEC. 3. JURISDICTION.

(a) LAW ENFORCEMENT AND TRIBAL COURT FUNDS AND PROGRAMS.—Section 2(f) of the Hoopla-Yurok Settlement Act (25 U.S.C. 1300i–1(f)) is amended—

(1) by striking ''The Hoopa'' and inserting the following:

''(1) IN GENERAL.—The Hoopa'';

(2) by striking the semicolon after ''Code'' the first place it appears and inserting a comma; and

(3) by adding at the end the following:

''(2) LAW ENFORCEMENT AND TRIBAL COURT FUNDS AND PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), Federal law enforcement and tribal court funds and programs shall be made available to the Hoopa Valley Tribe and Yurok Tribe on the same basis as the funds and programs are available to Indian tribes that are not subject to the provisions of law referred to in paragraph (1).

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for Yurok law enforcement and tribal court programs $1,000,000 for each fiscal year.''.

(b) RECOGNITION OF THE YUROK TRIBE.—Section 9 of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i–8) is amended by adding at the end the following:

''(f) RECOGNITION OF THE YUROK TRIBE.—The authority of the Yurok Tribe over its territories as provided in the constitution of the Yurok Tribe as of the date of enactment of this subsection are ratified and confirmed insofar as that authority relates to the jurisdiction of the Yurok Tribe over persons and land within the boundaries of the Yurok Reservation.''.

(c) YUROK RESERVATION RESOURCES.—Section 12 of the Hoopa Yurok Settlement Act (102 Stat. 2935) is amended by adding at the end the following:

''(c) KLAMATH RIVER BASIN FISHERIES.—

''(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall enter into stewardship agreements with the Yurok Tribe with respect to management of Klamath River Basin fisheries and water resources.

''(2) EFFECT OF PARAGRAPH.—Nothing in paragraph (1) provides the Yurok Tribe with any jurisdiction within the Hoopa Valley Reservation.

''(d) MANAGEMENT AUTHORITY.—

''(1) DEFINITION OF COMANANGEMENT AUTHORITY.—In this subsection, the term 'management authority' means the right to make decisions jointly with the Secretary or the Secretary of Agriculture, as the case may be, with respect to the natural resources and sacred and cultural sites described in paragraph (2).

''(2) GRANT OF MANAGEMENT AUTHORITY.—There is granted to the Yurok Tribe management authority over all natural resources, and over all sacred and cultural sites of the Yurok Tribe within their usual and accustomed places, that are on land remaining under the jurisdiction of the National Park Service, Forest Service, or Bureau of Land Management within the aboriginal territory of the Yurok Tribe.

''(e) SUBSISTENCE.—

''(1) IN GENERAL.—There is granted access for subsistence hunting, fishing, and gathering rights for members of the Yurok Tribe over all land and water within the aboriginal territory of the Yurok Tribe that remain under the jurisdiction of the Yurok Tribe or the United States, excluding any land within the Hoopa Valley Reservation.

''(2) CONDITION.—All subsistence-related activities under paragraph (1) shall be conducted in accordance with management plans developed by the Yurok Tribe.''.

SEC. 4. BASE FUNDING.

From amounts made available to the Secretary for new tribes funding, the Secretary shall make an adjustment in the base funding for the Yurok Tribe based on the enrollment of the Yurok Tribe as of the date of enactment of this Act.

SEC. 5. YUROK INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $20,000,000 for the upgrade and construction of Bureau of Indian Affairs and tribal roads on the Yurok Reservation;

(2) for each fiscal year, $500,000 for the operation of a road maintenance program for the Yurok Tribe;

(3) $3,500,000 for purchase of equipment and supplies for the Yurok Tribe road maintenance program;

(4) $7,600,000 for the electrification of the Yurok Reservation;

(5) $2,500,000 for telecommunication needs on the Yurok Reservation;

(6) $18,000,000 for the improvement and development of water and wastewater treatment systems on the Yurok Reservation;

(7) $6,000,000 for the development and construction of a residential care, drug and alcohol rehabilitation, and recreational complex near Weitchpec;

(8) $7,000,000 for the construction of a cultural center for the Yurok Tribe;

(9) $4,000,000 for the construction of a tribal court, law enforcement, and detention facility in Klamath;

(10) $10,000,000 for the acquisition or construction of at least 50 homes for Yurok Tribe elders;

(11) $3,200,000 for the development and initial startup cost for a Yurok School District; and

(12) $800,000 to supplement Yurok Tribe higher education need.

(b) PRIORITY.—Congress—

(1) recognizes the unsafe and inadequate condition of roads and major transportation routes on and to the Yurok Reservation; and

(2) identifies as a priority that those roads and major transportation routes be upgraded and brought up to the same standards as transportation systems throughout the State of California.

SEC. 6. YUROK ECONOMIC DEVELOPMENT.

There are authorized to be appropriated—

(1) $20,000,000 for the construction of an ecolodge and associated costs;

(2) $1,500,000 for the purchase of equipment to establish a gravel operation; and

(3) $6,000,000 for the purchase and improvement of recreational and fishing resorts on the Yurok Reservation.

SEC. 7. BLM LAND.

(a) CONVEYANCE TO THE YUROK TRIBE.—The following parcels of Bureau of Land Management land within the aboriginal territory of the Yurok Tribe are conveyed in trust status to the Yurok Tribe:

(1) T. 9N., R. 4E, HUM, sec. 1.
(2) T. 9N., R. 4E, sec. 7.
(3) T. 9N., R. 4E., sec. 8, lot 3.
(4) T. 9N., R. 4E., sec. 9, lots 19 and 20.
(5) T. 9N., R. 4E., sec. 17, lots 3 through 6.
(6) T. 9N., R. 4E., sec. 18, lots 7 and 10.
(7) T. 9N., R. 3E., sec. 13, lots 8 and 12.
(8) T. 9N., R. 3E, sec. 14, lot 6.

(b) CONVEYANCE TO THE HOOPA VALLEY TRIBE.—The following parcels of Bureau of Land Management land along the western boundaries of the Hoopa Valley Reservation are conveyed in trust status to the Hoopa Valley Tribe:

(1) T. 9N, R. 3E., sec. 23, lots 7 and 8.
(2) T. 9N., R. 3E., sec. 26, lots 1 through 3.
(3) T. 7N., R. 3E., sec. 7, lots 1 and 6.
(4) T. 7N., R. 3E., sec. 1.

SEC. 8. REPEAL OF OBSOLETE PROVISIONS.

Section 2(c)(4) of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i–1(c)(4)) is amended by striking ''The—'' and all that follows through ''shall not be'' and inserting ''The apportionment of funds to the Yurok Tribe under sections 4 and 7 shall not be''.

SEC. 9. VOTING MEMBER.

Section 3(c) of the Klamath River Basin Fisheries Restoration Act (16 U.S.C. 460ss–2(c)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by striking paragraph (3) and inserting the following:

''(3) A representative of the Yurok Tribe who shall be appointed by the Yurok Tribal Council.

''(4) A representative of the Department of the Interior who shall be appointed by the Secretary.''.

SEC. 10. ECONOMIC SELF-SUFFICIENCY.

Section 10 of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i–9) is amended by striking subsection (a) and inserting the following:

''(a) PLAN FOR ECONOMIC SELF-SUFFICIENCY.—

''(1) NEGOTIATIONS.—Not later than 30 days after the date of enactment of the Hoopa-Yurok Settlement Amendment Act of 2004, the Secretary shall enter into negotiations with the Yurok Tribe to establish a plan for the economic self-sufficiency of the Yurok Tribe, which shall be completed not later than 18 months after the date of enactment of the Hoopa-Yurok Settlement Amendment Act of 2004.

''(2) SUBMISSION TO CONGRESS.—On the approval of the plan by the Yurok Tribe, the Secretary shall submit the plan to Congress.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to establish the Yurok Tribe Self-Sufficiency Plan.''.

SEC. 11. EFFECT OF ACT.

Nothing in this Act or any amendment made by this Act limits the existing rights of the Hoopa Valley Tribe or the Yurok Tribe Tribe.

By Mr. CAMPBELL:

S. 2879. A bill to restore recognition to the Winnemem Wintu Indian Tribe of California; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce ''The Winnemem Wintu Tribe Clarification and Restoration Act,'' a bill that would clarify the status of the Winnemem Wintu Tribe of northern California. I am introducing this bill, at the request of the tribe, primarily to initiate a discussion of the tribe's status among all the interested parties, including the tribe, local communities, and the tribe's congressional delegation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2879

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 ''Winnemem Wintu Tribe Clarification and Restoration Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Winnemem Wintu Indian Tribe was entitled to have been included in the 1979 acknowledgement process that created a list of federally recognized California tribes;

(2) in addition to its continuous historic relationship with the Federal Government, the trust status of the Tribe was reaffirmed by the provisions of the Act of July 30, 1941 (55 Stat. 612, chapter 334), which granted to the United States all tribal and allotted Indian land within the area embraced by the Central Valley Project;

(3) under that Act, the Secretary, acting through the Commissioner of Reclamation, on January 5, 1942, created the Shasta Reservoir Indian Cemetery, which contains Winnemem Wintu remains, markers, and other appurtenances held in trust by the United States;

(4) Winnemem Wintu remains were removed to that cemetery from the traditional cemetery of the Tribe in the McCloud River valley that was flooded by the Shasta Reservoir;

(5) the Bureau of Reclamation informed the Area Director of the Indian Service in writing on December 22, 1942, of the new cemetery and its status as Federal trust land;

(6) the Secretary, through an administrative oversight or inaction of the Indian Service, overlooked the trust status of the Tribe, which was reaffirmed by the making of partial restitution by the Secretary for the taking of tribal land and the 1941 relocation of the remains of tribal members, which remain interred in the Shasta Reservoir Indian Cemetery;

(7) the ongoing trust relationship of the Tribe with the Federal Government should have been recognized by the Secretary, and the Tribe should have been included in the 1979 listing of federally recognized California tribes; and

(8) the Tribe, as a matter of sovereign choice, has determined that the conduct of gaming by the Tribe would be detrimental to the maintenance of its traditional tribal culture.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SERVICE AREA.—The term ''service area'' means the counties of Shasta and Siskiyou, California.

(3) TRIBE.—The term ''Tribe'' means the Indians of the Winnemem Wintu Tribe of northern California.

SEC. 4. CLARIFICATION OF FEDERAL STATUS AND RESTORATION OF FEDERAL RIGHTS AND PRIVILEGES.

(a) FEDERAL STATUS.—Federal status is restored to the Tribe.

(b) APPLICABLE LAW.—Except as otherwise provided in this Act, all laws (including regulations) of general applicability to Indians and nations, tribes, or bands of Indians that are not inconsistent with any provision of this Act shall be applicable to the Tribe and members of the Tribe.

(c) RESTORATIONS OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and members of the Tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority that were diminished or lost under Public Law 85–671 (72 Stat. 619) are restored, and that Act shall be inapplicable to the Tribe or members of the Tribe after the date of enactment of this Act.

(d) FEDERAL SERVICES AND BENEFITS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members.

(B) RESIDING ON A RESERVATION.—For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the service area shall be deemed to be residing on a reservation.

(2) RELATION TO OTHER LAWS.—The eligibility for or receipt of services and benefits under paragraph (1) by the Tribe or a member of the Tribe shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to the Tribe or member under—

(A) any financial aid program of the United States, (including grants and contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

(B) any other benefit to which the Tribe or member would otherwise be entitled under any Federal or federally assisted program.

(e) HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.—Nothing in this Act expands, reduces, or otherwise affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act alters any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 5. RESERVATION OF THE TRIBE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall take the 42.5-acre site presently occupied by the Tribe into trust for the benefit of the Tribe, and that land shall be the reservation of the Tribe.

SEC. 6. GAMING.

The Tribe shall not have the right to conduct gaming (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).