

**[DISCUSSION DRAFT]**117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R.** \_\_\_\_\_

To require financial institutions to freeze the assets of individuals arrested under suspicion of participating in domestic terrorism or providing material support to terrorists, to establish a national clearinghouse for information on incidents of homegrown “lone wolf” terrorism, domestic terrorism, and persons providing material support to terrorists, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To require financial institutions to freeze the assets of individuals arrested under suspicion of participating in domestic terrorism or providing material support to terrorists, to establish a national clearinghouse for information on incidents of homegrown “lone wolf” terrorism, domestic terrorism, and persons providing material support to terrorists, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freezing Assets of  
3 Suspected Terrorists and Enemy Recruits Act of 2021”  
4 or the “FASTER Act of 2021”.

5 **SEC. 2. FREEZING OF ASSETS OF DOMESTIC TERROR SUS-**  
6 **PECTS.**

7 (a) IN GENERAL.—If an individual is arrested by a  
8 Federal law enforcement agency, or is arrested by a State  
9 or local law enforcement agency and subsequently turned  
10 over to a Federal law enforcement agency, on suspicion  
11 of participating in rebellion or insurrection as described  
12 in section 2383 of title 18, United States Code, or of sedi-  
13 tious conspiracy as described in section 2384 of title 18,  
14 United States Code, such Federal law enforcement agency  
15 shall notify the Director of the Financial Crimes Enforce-  
16 ment Network (in this Act referred to as the “Director”)  
17 of such arrest and, upon such notification, the Director  
18 shall order each financial institution holding assets of the  
19 individual to freeze such assets.

20 (b) DISPOSITION OF ASSETS.—

21 (1) NOTICE OF FREEZING.— The Director  
22 shall, as soon as practicable, but not later than 60  
23 days after ordering a financial institution to freeze  
24 the assets of an individual pursuant to subsection  
25 (a) notify such individual of such asset freezing.

26 (2) RIGHT TO CONTEST.—

1 (A) IN GENERAL.—A Federal district court  
2 of competent jurisdiction shall, on motion by an  
3 individual whose assets have been frozen under  
4 this section, order that the assets of the indi-  
5 vidual be unfrozen unless the Government es-  
6 tablishes by probable cause that such assets are  
7 subject to seizure under this section.

8 (B) REPRESENTATION.—

9 (i) IN GENERAL.—If an individual  
10 whose assets have been frozen under this  
11 section is financially unable to obtain rep-  
12 resentation by counsel with respect to the  
13 motion described under subparagraph (A),  
14 the court may order the assets of the indi-  
15 vidual be unfrozen in an amount necessary  
16 to pay for such counsel, and such unfrozen  
17 funds may only be used to pay for such  
18 counsel.

19 (ii) FACTORS TO CONSIDER.—In de-  
20 termining whether to order the unfreezing  
21 of funds under clause (i), a court shall  
22 take into account the standing of the indi-  
23 vidual to bring such a motion and whether  
24 the motion appears to be made in good  
25 faith.

1           (3) UNFREEZING OF PROPERTY.—The Director  
2           shall order an the assets of an individual be  
3           unfrozen if—

4                   (A) the Director does not provide the no-  
5                   tice described under paragraph (1) within 60  
6                   days of ordering the assets frozen;

7                   (B) a criminal indictment is not filed  
8                   against the individual with respect to the par-  
9                   ticipation in rebellion or insurrection or sedi-  
10                  tious conspiracy within 90 days after the Direc-  
11                  tor orders the assets frozen; or

12                  (C) the individual is tried for participation  
13                  in rebellion or insurrection or seditious con-  
14                  spiracy and is not convicted.

15           (4) CONFISCATION UPON CONVICTION.—If an  
16           individual whose assets have been frozen under this  
17           section is convicted of rebellion or insurrection or se-  
18           ditionary conspiracy to terrorists, the Director shall—

19                   (A) confiscate all assets of the individual  
20                   that were involved in such crime, or that con-  
21                   stitute or derive from proceeds traceable to  
22                   such crime, and may—

23                           (i) distribute assets to victims of the  
24                           individual;

1                   (ii) transfer assets to the Attorney  
2                   General for distribution to law enforcement  
3                   for counterterrorism purposes; or

4                   (iii) use assets for such other purpose  
5                   as the director determines appropriate; and

6                   (B) order all other assets of the individual  
7                   unfrozen.

8           (c) CIVIL PENALTIES.—Any person violating the re-  
9           quirements of this section shall be subject to the same civil  
10           penalties provided for under section 5321 of title 31,  
11           United States Code, for violations of subchapter II of  
12           chapter 53 of such title (commonly known as the “Bank  
13           Secrecy Act”).