

[DISCUSSION DRAFT]

116TH CONGRESS
2^D 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.

IN THE HOUSE OF REPRESENTATIVES

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

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 2020”
4 or the “FASTER Act of 2020”.

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 by a State or local
9 law enforcement agency and subsequently turned over to
10 a Federal law enforcement agency) under suspicion of par-
11 ticipating in domestic terrorism or providing material sup-
12 port to terrorists, such Federal law enforcement agency
13 shall notify FinCEN of such arrest and, upon such notifi-
14 cation, FinCEN shall order each financial institution hold-
15 ing assets of the individual to freeze such assets.

16 (b) DISPOSITION OF ASSETS.—

17 (1) NOTICE OF FREEZING.—FinCEN shall, as
18 soon as practicable, but not later than 60 days after
19 ordering a financial institution to freeze an individ-
20 ual’s assets under subsection (a), notify such indi-
21 vidual of such asset freezing.

22 (2) RIGHT TO CONTEST.—

23 (A) IN GENERAL.—A Federal district court
24 of competent jurisdiction shall, on motion by an
25 individual whose assets have been frozen under
26 this section, order the individual’s assets

1 unfrozen unless the Government establishes by
2 probable cause that such assets are subject to
3 seizure under this section.

4 (B) REPRESENTATION.—

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

14 (ii) FACTORS TO CONSIDER.—In de-
15 termining whether to order the unfreezing
16 of funds under clause (i), a court shall
17 take into account the individual's standing
18 to bring such a motion and whether the
19 motion appears to be made in good faith.

20 (3) UNFREEZING OF PROPERTY.—FinCEN
21 shall order an individual's assets unfrozen if—

22 (A) FinCEN does not provide the notice
23 described under paragraph (1) within 60 days
24 of ordering the assets frozen;

1 (B) a criminal indictment is not filed
2 against the individual with respect to participa-
3 tion in domestic terrorism or providing material
4 support to terrorists within 90 days after
5 FinCEN orders the assets frozen; or

6 (C) the individual is tried for domestic ter-
7 rorism or providing material support to terror-
8 ists and is not convicted.

9 (4) CONFISCATION UPON CONVICTION.—If an
10 individual whose assets have been frozen under this
11 section is convicted of domestic terrorism or pro-
12 viding material support to terrorists, FinCEN
13 shall—

14 (A) confiscate all such assets that were in-
15 volved in such crime, or that constitute or de-
16 rive from proceeds traceable to such crime, and
17 may—

18 (i) distribute assets to victims of the
19 individual;

20 (ii) transfer assets to the Attorney
21 General for distribution to law enforcement
22 for counterterrorism purposes; or

23 (iii) use assets for such other purpose
24 as FinCEN determines appropriate; and

25 (B) order all other such assets unfrozen.

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

7 **SEC. 3. NATIONAL HOMEGROWN TERRORISM INCIDENT**
8 **CLEARINGHOUSE.**

9 (a) IN GENERAL.—The Director of the Federal Bu-
10 reau of Investigation (hereinafter in this section referred
11 to as the “Director”) shall establish and maintain a na-
12 tional clearinghouse for information on incidents of home-
13 grown “lone actor” terrorism, domestic terrorism, and a
14 person providing material support to terrorists.

15 (b) CLEARINGHOUSE.—The clearinghouse established
16 under subsection (a) shall—

17 (1) accept, collect, and maintain information on
18 incidents described in subsection (a) that is sub-
19 mitted to the clearinghouse by Federal, State, and
20 local law enforcement agencies, by law enforcement
21 agencies of foreign countries, and by victims of such
22 incidents;

23 (2) collate and index such information for pur-
24 poses of cross-referencing;

1 (3) upon request from a Federal, State, or local
2 law enforcement agency or from a law enforcement
3 agency of a foreign country, provide such informa-
4 tion to assist in the investigation of an incident de-
5 scribed in subsection (a); and

6 (4) provide all-source integrated analysis to
7 other Federal agencies and State and local law en-
8 forcement agencies.

9 (c) SCOPE OF INFORMATION.—The information
10 maintained by the clearinghouse for each incident shall,
11 to the extent practicable, include—

- 12 (1) the date, time, and place of the incident;
13 (2) details of the incident;
14 (3) any available information on suspects or
15 perpetrators of the incident; and
16 (4) any other relevant information.

17 (d) DESIGN OF CLEARINGHOUSE.—The clearing-
18 house shall be designed for maximum ease of use by par-
19 ticipating law enforcement agencies.

20 (e) PUBLICITY.—The Director shall publicize the ex-
21 istence of the clearinghouse to law enforcement agencies
22 by appropriate means.

23 (f) RESOURCES.—In establishing and maintaining
24 the clearinghouse, the Director may—

1 (1) through the Attorney General, utilize the re-
2 sources of any other department or agency of the
3 Federal Government; and

4 (2) accept assistance and information from pri-
5 vate organizations or individuals.

6 (g) COORDINATION.—The Director shall carry out
7 the Director’s responsibilities under this section in co-
8 operation with the Department of Homeland Security, and
9 such other agencies as may be necessary.

10 (h) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated for each of fiscal years
12 2019 through 2022 such sums as are necessary to carry
13 out this section.

14 **SEC. 4. DEFINITIONS.**

15 For purposes of this Act:

16 (1) DOMESTIC TERRORISM.—The term “domes-
17 tic terrorism” has the meaning given that term
18 under section 2331 of title 18, United States Code.

19 (2) FINANCIAL INSTITUTION.—The term “fi-
20 nancial institution” has the meaning given that term
21 under section 5312 of title 31, United States Code.

22 (3) FINCEN.—The term “FinCEN” means the
23 Financial Crimes Enforcement Network of the De-
24 partment of the Treasury.

1 (4) PROVIDING MATERIAL SUPPORT TO TER-
2 RORISTS.—The term “providing material support to
3 terrorists” means the offense described under sec-
4 tion 2339A(a) of title 18, United States Code.