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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Freezing Assets of Suspected Terrorists and Enemy Recruits Act of 2020” or the “FASTER Act of 2020”.

SEC. 2. FREEZING OF ASSETS OF DOMESTIC TERROR SUSPECTS.

(a) IN GENERAL.—If an individual is arrested by a Federal law enforcement agency (or by a State or local law enforcement agency and subsequently turned over to a Federal law enforcement agency) under suspicion of participating in domestic terrorism or providing material support to terrorists, such Federal law enforcement agency shall notify FinCEN of such arrest and, upon such notification, FinCEN shall order each financial institution holding assets of the individual to freeze such assets.

(b) DISPOSITION OF ASSETS.—

(1) NOTICE OF FREEZING.—FinCEN shall, as soon as practicable, but not later than 60 days after ordering a financial institution to freeze an individual’s assets under subsection (a), notify such individual of such asset freezing.

(2) RIGHT TO CONTEST.—

(A) IN GENERAL.—A Federal district court of competent jurisdiction shall, on motion by an individual whose assets have been frozen under this section, order the individual’s assets...
unfrozen unless the Government establishes by probable cause that such assets are subject to seizure under this section.

(B) REPRESENTATION.—

(i) IN GENERAL.—If an individual whose assets have been frozen under this section is financially unable to obtain representation by counsel with respect to the motion described under subparagraph (A), the court may order the individual’s assets unfrozen in an amount necessary to pay for such counsel, and such unfrozen funds may only be used to pay for such counsel.

(ii) FACTORS TO CONSIDER.—In determining whether to order the unfreezing of funds under clause (i), a court shall take into account the individual’s standing to bring such a motion and whether the motion appears to be made in good faith.

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

(A) FinCEN does not provide the notice described under paragraph (1) within 60 days of ordering the assets frozen;
(B) a criminal indictment is not filed against the individual with respect to participation in domestic terrorism or providing material support to terrorists within 90 days after FinCEN orders the assets frozen; or

(C) the individual is tried for domestic terrorism or providing material support to terrorists and is not convicted.

(4) CONFESSION UPON CONVICTION.—If an individual whose assets have been frozen under this section is convicted of domestic terrorism or providing material support to terrorists, FinCEN shall—

(A) confiscate all such assets that were involved in such crime, or that constitute or derive from proceeds traceable to such crime, and may—

(i) distribute assets to victims of the individual;

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

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

(B) order all other such assets unfrozen.
(c) Civil Penalties.—Any person violating the requirements of this section shall be subject to the same civil penalties provided for under section 5321 of title 31, United States Code, for violations of subchapter II of chapter 53 of such title (commonly known as the “Bank Secrecy Act”).

SEC. 3. NATIONAL HOMEGROWN TERRORISM INCIDENT CLEARINGHOUSE.

(a) In General.—The Director of the Federal Bureau of Investigation (hereinafter in this section referred to as the “Director”) shall establish and maintain a national clearinghouse for information on incidents of homegrown “lone actor” terrorism, domestic terrorism, and a person providing material support to terrorists.

(b) Clearinghouse.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing;
(3) upon request from a Federal, State, or local
law enforcement agency or from a law enforcement
agency of a foreign country, provide such informa-
tion to assist in the investigation of an incident de-
defined in subsection (a); and

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

(e) Scope of Information.—The information
maintained by the clearinghouse for each incident shall,
to the extent practicable, include—

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

(d) Design of Clearinghouse.—The clearing-
house shall be designed for maximum ease of use by par-
ticipating law enforcement agencies.

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

(f) Resources.—In establishing and maintaining
the clearinghouse, the Director may—
(1) through the Attorney General, utilize the re-
resources of any other department or agency of the
Federal Government; and

(2) accept assistance and information from pri-
private organizations or individuals.

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

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

SEC. 4. DEFINITIONS.

For purposes of this Act:

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

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

(3) FINCEN.—The term “FinCEN” means the
Financial Crimes Enforcement Network of the De-
partment of the Treasury.
(4) Providing material support to terrorists.—The term “providing material support to terrorists” means the offense described under section 2339A(a) of title 18, United States Code.