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 2021” or the “FASTER Act of 2021”.

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

(a) IN GENERAL.—If an individual is arrested by a Federal law enforcement agency, or is arrested by a State or local law enforcement agency and subsequently turned over to a Federal law enforcement agency, on suspicion of participating in rebellion or insurrection as described in section 2383 of title 18, United States Code, or of seditious conspiracy as described in section 2384 of title 18, United States Code, such Federal law enforcement agency shall notify the Director of the Financial Crimes Enforcement Network (in this Act referred to as the “Director”) of such arrest and, upon such notification, the Director shall order each financial institution holding assets of the individual to freeze such assets.

(b) DISPOSITION OF ASSETS.—

(1) NOTICE OF FREEZING.— The Director shall, as soon as practicable, but not later than 60 days after ordering a financial institution to freeze the assets of an individual pursuant to 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 that the assets of the individual be 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 assets of the individual be 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 standing of the individual to bring such a motion and whether the motion appears to be made in good faith.
(3) UNFREEZING OF PROPERTY.—The Director shall order an the assets of an individual be unfrozen if—

(A) the Director 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 the participation in rebellion or insurrection or seditious conspiracy within 90 days after the Director orders the assets frozen; or

(C) the individual is tried for participation in rebellion or insurrection or seditious conspiracy and is not convicted.

(4) CONFESSION UPON CONVICTION.—If an individual whose assets have been frozen under this section is convicted of rebellion or insurrection or seditious conspiracy to terrorists, the Director shall—

(A) confiscate all assets of the individual 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 the director determines appropriate; and

(B) order all other assets of the individual 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”).