

HR 540

FAIR Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Jan 27, 2015

Current Status: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Latest Action: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. (Feb 19, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/540>

Sponsor

Name: Rep. Walberg, Tim [R-MI-7]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors (94 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Jan 27, 2015
Rep. Ellison, Keith [D-MN-5]	D · MN		Jan 27, 2015
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jan 27, 2015
Rep. McClintock, Tom [R-CA-4]	R · CA		Jan 27, 2015
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Feb 2, 2015
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Feb 2, 2015
Rep. O'Rourke, Beto [D-TX-16]	D · TX		Feb 2, 2015
Rep. Bishop, Rob [R-UT-1]	R · UT		Feb 5, 2015
Rep. Cohen, Steve [D-TN-9]	D · TN		Feb 5, 2015
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Feb 10, 2015
Rep. Pearce, Stevan [R-NM-2]	R · NM		Feb 10, 2015
Rep. Grijalva, Raúl M. [D-AZ-3]	D · AZ		Feb 11, 2015
Rep. Ribble, Reid J. [R-WI-8]	R · WI		Feb 11, 2015
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Feb 12, 2015
Rep. Speier, Jackie [D-CA-14]	D · CA		Feb 24, 2015
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Feb 26, 2015
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Feb 27, 2015
Rep. Young, Don [R-AK-At Large]	R · AK		Feb 27, 2015
Rep. Bishop, Mike [R-MI-8]	R · MI		Mar 16, 2015
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Mar 16, 2015
Rep. Farr, Sam [D-CA-20]	D · CA		Mar 16, 2015
Rep. Labrador, Raul R. [R-ID-1]	R · ID		Mar 16, 2015
Rep. Moolenaar, John R. [R-MI-4]	R · MI		Mar 16, 2015
Rep. DeSantis, Ron [R-FL-6]	R · FL		Mar 17, 2015
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Mar 17, 2015
Rep. Lee, Barbara [D-CA-13]	D · CA		Mar 17, 2015
Rep. Loudermilk, Barry [R-GA-11]	R · GA		Mar 17, 2015
Rep. Hastings, Alcee L. [D-FL-20]	D · FL		Mar 18, 2015
Rep. Pocan, Mark [D-WI-2]	D · WI		Mar 18, 2015
Rep. Trott, David A. [R-MI-11]	R · MI		Mar 23, 2015
Rep. Jordan, Jim [R-OH-4]	R · OH		Apr 13, 2015
Rep. Lieu, Ted [D-CA-33]	D · CA		Apr 13, 2015
Rep. Newhouse, Dan [R-WA-4]	R · WA		Apr 13, 2015
Rep. Sanford, Mark [R-SC-1]	R · SC		Apr 14, 2015
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Apr 16, 2015
Rep. Massie, Thomas [R-KY-4]	R · KY		Apr 22, 2015
Rep. Napolitano, Grace F. [D-CA-32]	D · CA		Apr 30, 2015
Rep. Forbes, J. Randy [R-VA-4]	R · VA		May 13, 2015
Rep. Rouzer, David [R-NC-7]	R · NC		May 19, 2015
Rep. Lawrence, Brenda L. [D-MI-14]	D · MI		May 20, 2015
Rep. Brown, Corrine [D-FL-5]	D · FL		Jun 1, 2015

Cosponsor	Party / State	Role	Date Joined
Rep. Franks, Trent [R-AZ-8]	R · AZ		Jun 1, 2015
Rep. Joyce, David P. [R-OH-14]	R · OH		Jun 1, 2015
Rep. Mooney, Alexander X. [R-WV-2]	R · WV		Jun 1, 2015
Rep. Yoho, Ted S. [R-FL-3]	R · FL		Jun 1, 2015
Rep. Lofgren, Zoe [D-CA-19]	D · CA		Jun 3, 2015
Rep. Polis, Jared [D-CO-2]	D · CO		Jun 8, 2015
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Jun 9, 2015
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Jun 9, 2015
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		Jun 12, 2015
Rep. Watson Coleman, Bonnie [D-NJ-12]	D · NJ		Jun 12, 2015
Rep. Chu, Judy [D-CA-27]	D · CA		Jun 16, 2015
Rep. DeSaulnier, Mark [D-CA-11]	D · CA		Jun 16, 2015
Rep. Clawson, Curt [R-FL-19]	R · FL		Jun 17, 2015
Rep. Grothman, Glenn [R-WI-6]	R · WI		Jun 18, 2015
Rep. Messer, Luke [R-IN-6]	R · IN		Jun 23, 2015
Rep. Norcross, Donald [D-NJ-1]	D · NJ		Jun 24, 2015
Rep. Rangel, Charles B. [D-NY-13]	D · NY		Jun 24, 2015
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Jun 24, 2015
Rep. Serrano, Jose E. [D-NY-15]	D · NY		Jun 24, 2015
Rep. Bridenstine, Jim [R-OK-1]	R · OK		Jul 7, 2015
Rep. Cole, Tom [R-OK-4]	R · OK		Jul 7, 2015
Rep. Moore, Gwen [D-WI-4]	D · WI		Jul 7, 2015
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Jul 7, 2015
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Jul 8, 2015
Rep. Russell, Steve [R-OK-5]	R · OK		Jul 8, 2015
Rep. Wilson, Joe [R-SC-2]	R · SC		Jul 10, 2015
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Jul 13, 2015
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jul 15, 2015
Rep. Gibbs, Bob [R-OH-7]	R · OH		Jul 15, 2015
Rep. Honda, Michael M. [D-CA-17]	D · CA		Jul 15, 2015
Rep. Hultgren, Randy [R-IL-14]	R · IL		Jul 15, 2015
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Jul 15, 2015
Rep. Roe, David P. [R-TN-1]	R · TN		Jul 15, 2015
Rep. Rokita, Todd [R-IN-4]	R · IN		Jul 15, 2015
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Jul 21, 2015
Rep. Roybal-Allard, Lucille [D-CA-40]	D · CA		Jul 22, 2015
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Jul 23, 2015
Rep. McCollum, Betty [D-MN-4]	D · MN		Jul 31, 2015
Rep. Miller, Jeff [R-FL-1]	R · FL		Jul 31, 2015
Rep. Mulvaney, Mick [R-SC-5]	R · SC		Sep 10, 2015
Rep. Emmer, Tom [R-MN-6]	R · MN		Sep 11, 2015
Rep. Ryan, Tim [D-OH-13]	D · OH		Sep 11, 2015

Cosponsor	Party / State	Role	Date Joined
Rep. Hahn, Janice [D-CA-44]	D · CA		Sep 16, 2015
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Sep 24, 2015
Rep. Takano, Mark [D-CA-41]	D · CA		Oct 27, 2015
Rep. Posey, Bill [R-FL-8]	R · FL		Nov 17, 2015
Rep. Jeffries, Hakeem S. [D-NY-8]	D · NY		Nov 19, 2015
Rep. Velazquez, Nydia M. [D-NY-7]	D · NY		Nov 19, 2015
Rep. Beyer, Donald S., Jr. [D-VA-8]	D · VA		Dec 1, 2015
Rep. Grayson, Alan [D-FL-9]	D · FL		Mar 14, 2016
Rep. Nadler, Jerrold [D-NY-10]	D · NY		Mar 14, 2016
Rep. Smith, Adrian [R-NE-3]	R · NE		May 11, 2016
Rep. Brady, Robert A. [D-PA-1]	D · PA		May 17, 2016

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jan 30, 2015
Financial Services Committee	House	Referred To	Jan 27, 2015
Judiciary Committee	House	Referred to	Feb 19, 2015
Ways and Means Committee	House	Referred To	Jan 27, 2015

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
114 S 255	Identical bill	Jan 26, 2015: Read twice and referred to the Committee on the Judiciary.

Fifth Amendment Integrity Restoration Act of 2015 or the FAIR Act

This bill modifies general rules governing civil forfeiture proceedings to: (1) ensure that a person contesting a civil forfeiture has legal representation without regard to whether the property subject to forfeiture is being used by such person as a primary residence; (2) increase the federal government's burden of proof in civil forfeiture proceedings to clear and convincing evidence; (3) require the government, in addition to showing a substantial connection between the seized property and an offense, to establish by clear and convincing evidence that the owner of any interest in the seized property used the property with intent to facilitate the offense or knowingly consented or was willfully blind to the use of the property by another in connection with the offense; and (4) expand the proportionality criteria used by a court to determine whether a civil forfeiture was constitutionally excessive.

To remove incentives for carrying out civil forfeitures, the bill requires proceeds from the disposition of seized property to be deposited into the General Fund of the Treasury, rather than to Department of Justice accounts for law enforcement activities.

The bill adds a scienter requirement (i.e., a knowing violation) to the prohibition against structuring financial transactions to evade reporting requirements.

The bill requires: (1) a court to conduct a probable cause hearing to determine if there is a violation of the prohibition against structuring transactions to evade reporting requirements involving a monetary instrument and to return such instrument if probable cause is not established, and (2) the Attorney General to specify in reports to Congress and the public on forfeitures the amounts received from criminal and civil forfeitures.

Actions Timeline

- **Feb 19, 2015:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Jan 30, 2015:** Referred to the Subcommittee on Health.
- **Jan 27, 2015:** Introduced in House
- **Jan 27, 2015:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.