

HR 1895

FAIR Act

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Mar 27, 2019

Current Status: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Latest Action: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. (May 3, 2019)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/1895>

Sponsor

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

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

Cosponsors (28 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Mar 27, 2019
Rep. Massie, Thomas [R-KY-4]	R · KY		Mar 27, 2019
Rep. McClintock, Tom [R-CA-4]	R · CA		Mar 27, 2019
Rep. Raskin, Jamie [D-MD-8]	D · MD		Mar 27, 2019
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Mar 27, 2019
Rep. Boyle, Brendan F. [D-PA-2]	D · PA		Apr 2, 2019
Rep. Cohen, Steve [D-TN-9]	D · TN		Apr 2, 2019
Rep. Davidson, Warren [R-OH-8]	R · OH		Apr 2, 2019
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Apr 2, 2019
Rep. Mooney, Alexander X. [R-WV-2]	R · WV		Apr 2, 2019
Rep. Ryan, Tim [D-OH-13]	D · OH		Apr 2, 2019
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Apr 2, 2019
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Apr 4, 2019
Rep. Roe, David P. [R-TN-1]	R · TN		Apr 4, 2019
Rep. Hastings, Alcee L. [D-FL-20]	D · FL		Apr 8, 2019
Rep. Moore, Gwen [D-WI-4]	D · WI		Apr 29, 2019
Rep. Speier, Jackie [D-CA-14]	D · CA		Apr 29, 2019
Rep. Meuser, Daniel [R-PA-9]	R · PA		Apr 30, 2019
Rep. Harder, Josh [D-CA-10]	D · CA		May 9, 2019
Rep. Armstrong, Kelly [R-ND-At Large]	R · ND		Jul 9, 2020
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Jul 16, 2020
Rep. Posey, Bill [R-FL-8]	R · FL		Jul 16, 2020
Rep. Smith, Adrian [R-NE-3]	R · NE		Jul 21, 2020
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Jul 29, 2020
Rep. Beatty, Joyce [D-OH-3]	D · OH		Aug 18, 2020
Rep. Gabbard, Tulsi [D-HI-2]	D · HI		Aug 18, 2020
Rep. Perry, Scott [R-PA-10]	R · PA		Oct 20, 2020
Rep. Reschenthaler, Guy [R-PA-14]	R · PA		Oct 20, 2020

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 28, 2019
Financial Services Committee	House	Referred To	Mar 27, 2019
Judiciary Committee	House	Referred to	May 3, 2019
Ways and Means Committee	House	Referred To	Mar 27, 2019

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
116 S 4074	Related bill	Jun 25, 2020: Read twice and referred to the Committee on the Judiciary.

Summary (as of Mar 27, 2019)

Fifth Amendment Integrity Restoration Act of 2019 or the FAIR Act

This bill revises the procedure for and the structure of civil forfeiture.

First, the bill revises the general rules for civil forfeiture proceedings. Specifically, it (1) requires the right to counsel in all civil forfeiture proceedings, (2) raises the evidentiary standard to clear and convincing evidence for the civil forfeiture of property, (3) requires the government to establish by clear and convincing evidence that the owner of the seized property used the property with the intent to facilitate the criminal offense or knowingly consented or was willfully blind to its use in connection with the offense, and (4) expands the proportionality criteria used by a court to determine whether a civil forfeiture was constitutionally excessive.

Next, it requires the proceeds from the disposition of seized property to be deposited into the Treasury, rather than to Department of Justice accounts for law enforcement activities.

Additionally, the bill eliminates equitable sharing payments (which allow the federal government to share federally forfeited property with participating states and local law enforcement agencies).

It also adds a *mens rea* requirement (i.e., a knowing violation) to the prohibition against structuring financial transactions to evade reporting requirements. Further, it requires a probable cause hearing to be held within 14 days to determine if there is a violation for structuring financial transactions to evade reporting requirements, and requires the return of a monetary instrument if probable cause is not established.

Actions Timeline

- **May 3, 2019:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
- **Mar 28, 2019:** Referred to the Subcommittee on Health.
- **Mar 27, 2019:** Introduced in House
- **Mar 27, 2019:** 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.