

## HR 2857

FAIR Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** Civil Rights and Liberties, Minority Issues

**Introduced:** Apr 26, 2021

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

**Latest Action:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. (Oct 19, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/2857>

### Sponsor

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

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

**Cosponsors** (36 total)

<b>Cosponsor</b>	<b>Party / State</b>	<b>Role</b>	<b>Date Joined</b>
Rep. Armstrong, Kelly [R-ND-At Large]	R · ND		Apr 26, 2021
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Apr 26, 2021
Rep. McClintock, Tom [R-CA-4]	R · CA		Apr 26, 2021
Rep. Raskin, Jamie [D-MD-8]	D · MD		Apr 26, 2021
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Apr 26, 2021
Rep. Gohmert, Louie [R-TX-1]	R · TX		May 20, 2021
Rep. Lucas, Frank D. [R-OK-3]	R · OK		May 20, 2021
Rep. Massie, Thomas [R-KY-4]	R · KY		May 20, 2021
Rep. McEachin, A. Donald [D-VA-4]	D · VA		May 20, 2021
Rep. Nadler, Jerrold [D-NY-10]	D · NY		May 20, 2021
Rep. Perry, Scott [R-PA-10]	R · PA		May 20, 2021
Rep. Posey, Bill [R-FL-8]	R · FL		May 20, 2021
Rep. Reschenthaler, Guy [R-PA-14]	R · PA		May 20, 2021
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		May 20, 2021
Rep. Smith, Jason [R-MO-8]	R · MO		May 20, 2021
Rep. Speier, Jackie [D-CA-14]	D · CA		May 20, 2021
Rep. Cicilline, David N. [D-RI-1]	D · RI		May 25, 2021
Rep. DeSaulnier, Mark [D-CA-11]	D · CA		Jun 14, 2021
Rep. Meuser, Daniel [R-PA-9]	R · PA		Jun 14, 2021
Rep. Jordan, Jim [R-OH-4]	R · OH		Sep 30, 2021
Rep. Correa, J. Luis [D-CA-46]	D · CA		Oct 15, 2021
Rep. Allen, Rick W. [R-GA-12]	R · GA		Oct 28, 2021
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Oct 28, 2021
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Oct 28, 2021
Rep. Tenney, Claudia [R-NY-22]	R · NY		Oct 28, 2021
Rep. Palmer, Gary J. [R-AL-6]	R · AL		Nov 2, 2021
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Nov 9, 2021
Rep. Mann, Tracey [R-KS-1]	R · KS		Nov 9, 2021
Rep. Mfume, Kweisi [D-MD-7]	D · MD		Nov 9, 2021
Rep. Norcross, Donald [D-NJ-1]	D · NJ		Nov 9, 2021
Rep. Cohen, Steve [D-TN-9]	D · TN		Nov 15, 2021
Rep. Mace, Nancy [R-SC-1]	R · SC		Dec 7, 2021
Rep. Ocasio-Cortez, Alexandria [D-NY-14]	D · NY		Dec 7, 2021
Rep. Clyde, Andrew S. [R-GA-9]	R · GA		Jan 13, 2022
Rep. Neguse, Joe [D-CO-2]	D · CO		Mar 8, 2022
Rep. Davis, Rodney [R-IL-13]	R · IL		Jun 7, 2022

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Apr 27, 2021
Financial Services Committee	House	Referred To	Apr 26, 2021
Judiciary Committee	House	Referred to	Oct 19, 2021
Ways and Means Committee	House	Referred to	Apr 26, 2021

## Subjects & Policy Tags

### Policy Area:

Civil Rights and Liberties, Minority Issues

## Related Bills

*No related bills are listed.*

## Summary (as of Apr 26, 2021)

### Fifth Amendment Integrity Restoration Act of 2021 or the FAIR Act

This bill revises federal laws governing civil asset forfeiture.

Specifically, the bill makes various changes to the general rules governing civil forfeiture proceedings. Among the changes, the bill

- requires counsel for an indigent property owner regardless of whether the owner requests counsel,
- raises the evidentiary standard from preponderance of the evidence to clear and convincing evidence, and
- sets forth factors courts must consider in determining whether a forfeiture of facilitating property is excessive.

Additionally, the bill eliminates statutory authority for equitable sharing and directs forfeiture proceeds to be deposited into the general fund of the Treasury instead of the Department of Justice Assets Forfeiture Fund.

Finally, the bill makes changes with respect to the civil forfeiture of money involved in structuring offenses (i.e., structuring currency transactions to evade currency reporting requirements). Among the changes, the bill

- specifies an evidentiary standard of knowingly for structuring offenses, and
- requires a prompt probable cause hearing following the seizure of money involved in a structuring offense.

## Actions Timeline

- **Oct 19, 2021:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Apr 27, 2021:** Referred to the Subcommittee on Health.
- **Apr 26, 2021:** Introduced in House
- **Apr 26, 2021:** 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.
- **Apr 26, 2021:** Referred to the Subcommittee on Trade.

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