

113TH CONGRESS
2D SESSION

S. 2644

To restore the integrity of the Fifth Amendment to the Constitution of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2014

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To restore the integrity of the Fifth Amendment to the Constitution of the United States, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fifth Amendment In-
5 tegrity Restoration Act of 2014” or the “FAIR Act”.

6 **SEC. 2. CIVIL FORFEITURE PROCEEDINGS.**

7 Section 983 of title 18, United States Code, is
8 amended—

9 (1) in subsection (c)—

1 (A) in paragraph (1), by striking “a pre-
2 ponderance of the evidence” and inserting
3 “clear and convincing evidence”;

4 (B) in paragraph (2), by striking “a pre-
5 ponderance of the evidence” and inserting
6 “clear and convincing evidence”; and

7 (C) by striking paragraph (3) and insert-
8 ing the following:

9 “(3) if the Government’s theory of forfeiture is
10 that the property used to commit or facilitate the
11 commission of a criminal offense, or was involved in
12 the commission of a criminal offense, the Govern-
13 ment shall establish, by clear and convincing evi-
14 dence, that—

15 “(A) there was a substantial connection
16 between the property and the offense; and

17 “(B) the owner of any interest in the
18 seized property—

19 “(i) intentionally used the property in
20 connection with the offense; or

21 “(ii) knowingly consented or was will-
22 fully blind to the use of the property by
23 another in connection with the offense.”;
24 and

1 (2) in subsection (d)(2)(A), by striking “an
 2 owner who” and all that follows through “upon
 3 learning” and inserting “an owner who upon learn-
 4 ing”.

5 **SEC. 3. DISPOSITION OF FORFEITED PROPERTY.**

6 (a) REVISIONS TO CONTROLLED SUBSTANCES
 7 ACT.—Section 511(e) of the Controlled Substances Act
 8 (21 U.S.C. 881(e)) is amended—

9 (1) in paragraph (1), by striking “civilly or”;

10 (2) in paragraph (2)(B), by striking “accord-
 11 ance with section 524(c) of title 28,” and inserting
 12 “the General Fund of the Treasury of the United
 13 States”; and

14 (3) in paragraph (4)(B), by striking “civilly
 15 or”.

16 (b) REVISIONS TO TITLE 18.—Section 981(e) of title
 17 18, United States Code, is amended—

18 (1) by striking “is authorized” and all that fol-
 19 lows through “or forfeiture of the property;” and in-
 20 serting “may forward to the Treasurer of the United
 21 States any proceeds of property forfeited pursuant
 22 to this section for deposit in the General Fund of
 23 the Treasury or transfer such property on such
 24 terms and conditions as such officer may deter-
 25 mine—”;

1 (2) by redesignating paragraphs (3), (4), (5),
 2 (6), and (7) as paragraphs (1), (2), (3), (4), and
 3 (5), respectively; and

4 (3) in the matter following paragraph (5), as so
 5 redesignated—

6 (A) by striking the first, second, and third
 7 sentences; and

8 (B) by striking “paragraphs (3), (4), and
 9 (5)” and inserting “paragraphs (1), (2), and
 10 (3)”.

11 **SEC. 4. DEPARTMENT OF JUSTICE ASSETS FORFEITURE**

12 **FUND DEPOSITS.**

13 Section 524(c)(4) of title 28, United States Code, is
 14 amended—

15 (1) by striking subparagraphs (A) and (B); and

16 (2) by redesignating subparagraphs (C) and
 17 (D) as subparagraphs (A) and (B), respectively.

18 **SEC. 5. APPLICABILITY.**

19 The amendments made by this Act shall apply to—

20 (1) any civil forfeiture proceeding pending on or
 21 filed on or after the date of enactment of this Act;

22 and

1 (2) any amounts received from the forfeiture of
2 property on or after the date of enactment of this
3 Act.

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