
IN THE CONGRESS OF THE UNITED STATES

DECEMBER 21, 2020

Mr. WALKER (for himself, Mr. KOAY, and Mr. ROMERIO)
introduced the following bill;

A BILL

To end civil asset forfeiture without a warrant at the federal level.

*Be it enacted by the House of Representatives of the United States of America in Congress
Assembled,*

SECTION 1. SHORT TITLE.

This bill may be cited as the “Civil Asset Forfeiture Extirpation Act”, or the “CAFE Act”.

SECTION 2. DEFINITIONS.

In this Act, all terms retain their meanings as outlined in the statute being amended, or as outlined in the U.S. Code.

SECTION 3. FINDINGS.

Congress finds that—

- (a) Federal law enforcement has seized over thirty-six billion dollars of property through civil asset forfeiture since the year 2000.
- (b) Federal agents can currently seize personal and private property based on “probable cause,” a definition which allows for a great deal of leeway for said agents to seize property unjustly.

SECTION 4. ABOLISHING CIVIL ASSET FORFEITURE WITHOUT A WARRANT.

- (a) In General. — 18 U.S.C. § 981 is amended by striking the text of subsection (b) in its entirety and replacing it with the following:

“(b)

- (1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the

Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

- (2) Seizures pursuant to this section shall be made pursuant to a criminal conviction obtained lawfully in federal court.
- (3) If any person is convicted in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure. The application for the restraining order shall set forth the nature and circumstances of the foreign conviction and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.”

SECTION 5. AMENDING STATUTE TO COMPLY WITH AMENDED CIVIL ASSET FORFEITURE RULES.

- (a) In General. — 18 U.S.C. § 981 is amended in subsection (h) by striking “charged with” and inserting in its place “convicted of”.

SECTION 6. ENACTMENT.

- (a) The provisions of this Act shall come into effect immediately upon passage.