

114TH CONGRESS
1ST SESSION

H. R. 797

To authorize the Administrator of the Federal Emergency Management Agency to waive certain debts owed to the United States related to disaster assistance distributed to individuals and households in error, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. MEEKS (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Administrator of the Federal Emergency Management Agency to waive certain debts owed to the United States related to disaster assistance distributed to individuals and households in error, 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 “Disaster Assistance
5 Recoupment Fairness Act of 2015”.

1 **SEC. 2. DEBTS OWED TO UNITED STATES RELATED TO DIS-**
2 **ASTER ASSISTANCE DISTRIBUTED IN ERROR.**

3 (a) COVERED ASSISTANCE DEFINED.—In this sec-
4 tion, the term “covered assistance” means assistance pro-
5 vided—

6 (1) under section 408 of the Robert T. Stafford
7 Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5174); and

9 (2) in relation to a major disaster declared by
10 the President under section 401 of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5170) on or after January 1, 2011.

13 (b) WAIVER AUTHORITY.—The Administrator of the
14 Federal Emergency Management Agency—

15 (1) subject to paragraph (2) and subsection (c),
16 may waive a debt owed to the United States related
17 to covered assistance provided to an individual or
18 household if—

19 (A) the covered assistance was distributed
20 based on an error by the Federal Emergency
21 Management Agency;

22 (B) there was no fault on behalf of the
23 debtor; and

24 (C) the collection of the debt would be
25 against equity and good conscience; and

1 (2) may not waive a debt under paragraph (1)
2 if the debt involves fraud, the presentation of a false
3 claim, or misrepresentation by the debtor or any
4 party having an interest in the claim.

5 (c) PRESUMPTION OF REPAYMENT.—In determining
6 whether to waive a debt under subsection (b), the Admin-
7 istrator shall presume that, if the adjusted gross income
8 (as defined under section 62 of the Internal Revenue Code
9 of 1986) of the household of the debtor for the last taxable
10 year ending in or with the calendar year preceding the
11 date on which the income is determined exceeds \$100,000
12 (adjusted annually for inflation beginning with the year
13 following the date of enactment of this Act), the debtor
14 should be required to make at least a partial payment on
15 the debt.

16 (d) REPORTING.—Not later than 3 months after the
17 date of enactment of this Act, and every 6 months there-
18 after, the Inspector General of the Department of Home-
19 land Security shall submit a report that assesses the cost-
20 effectiveness of the efforts of the Federal Emergency Man-
21 agement Agency to recoup improper payments under the
22 individuals and household program under section 408 of
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5174) to—

1 (1) the Committee on Homeland Security and
2 Governmental Affairs and the Subcommittee on
3 Homeland Security of the Committee on Appropria-
4 tions of the Senate; and

5 (2) the Committee on Homeland Security, the
6 Committee on Transportation and Infrastructure,
7 and the Subcommittee on Homeland Security of the
8 Committee on Appropriations of the House of Rep-
9 resentatives.

10 (e) MONITORING OF COVERED ASSISTANCE DISTRIB-
11 UTED BASED ON ERROR.—

12 (1) IN GENERAL.—The Inspector General shall
13 monitor the distribution of covered assistance to in-
14 dividuals and households to determine the percent-
15 age of such assistance distributed based on an error
16 by the Federal Emergency Management Agency.

17 (2) REMOVAL OF WAIVER AUTHORITY BASED
18 ON EXCESSIVE ERROR RATE.—If the Inspector Gen-
19 eral determines, with respect to any 12-month pe-
20 riod, that the amount of covered assistance distrib-
21 uted based on an error by the Federal Emergency
22 Management Agency exceeds 4 percent of the total
23 amount of covered assistance distributed—

1 (A) the Inspector General shall notify the
2 Administrator and publish the determination in
3 the Federal Register; and

4 (B) with respect to any major disaster de-
5 clared by the President under section 401 of
6 the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5170)
8 after the date of the determination, the author-
9 ity of the Administrator to waive debt under
10 subsection (b) shall no longer be effective.

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