

Calendar No. 478

112TH CONGRESS
2D SESSION**S. 792**

To authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

 IN THE SENATE OF THE UNITED STATES

APRIL 12, 2011

Mr. PRYOR (for himself, Mr. HOEVEN, Ms. LANDRIEU, Mr. COCHRAN, Mr. SHELBY, Mr. LEE, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 31, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

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 2011”.

1 **SEC. 2. DEBTS SINCE 2005.**

2 (a) **DEFINITIONS.**—In this section—

3 (1) the term “covered area” means an area—

4 (A) located in an area that has been iden-
5 tified by the Administrator of the Federal
6 Emergency Management Agency as an area
7 having special flood hazards under the National
8 Flood Insurance Act of 1968 (42 U.S.C. 4001
9 et seq.); and

10 (B) located in a community that does not
11 participate in the national flood insurance pro-
12 gram under the National Flood Insurance Act
13 of 1968; and

14 (2) the term “covered assistance” means assist-
15 ance provided—

16 (A) under section 408 of the Robert T.
17 Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5174); and

19 (B) in relation to a major disaster declared
20 by the President under section 401 of the Rob-
21 ert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5170) during the pe-
23 riod beginning on August 28, 2005, and ending
24 on December 31, 2011.

25 (b) **WAIVER AUTHORITY.**—The Administrator of the
26 Federal Emergency Management Agency—

1 ~~(1)(A)~~ may waive a debt owed to the United
2 States relating to covered assistance provided to an
3 individual or household if the covered assistance was
4 distributed based on an error by the Federal Emer-
5 gency Management Agency; and

6 ~~(B)~~ shall waive a debt owed to the United
7 States relating to covered assistance provided to an
8 individual or household located in a covered area if
9 the reason for the debt relates to a failure to partici-
10 pate in the national flood insurance program under
11 the National Flood Insurance Act of 1968; and

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

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Disaster Assistance*
18 *Recoupment Fairness Act of 2011”.*

19 **SEC. 2. DEBTS SINCE 2005.**

20 (a) *DEFINITION.*—*In this section, the term “covered*
21 *assistance” means assistance provided—*

22 (1) *under section 408 of the Robert T. Stafford*
23 *Disaster Relief and Emergency Assistance Act (42*
24 *U.S.C. 5174); and*

1 (2) *in relation to a major disaster declared by*
2 *the President under section 401 of the Robert T. Staf-*
3 *ford Disaster Relief and Emergency Assistance Act*
4 *(42 U.S.C. 5170) during the period beginning on Au-*
5 *gust 28, 2005 and ending on December 31, 2010.*

6 (b) *WAIVER AUTHORITY.—The Administrator of the*
7 *Federal Emergency Management Agency—*

8 (1) *subject to paragraph (2), may waive a debt*
9 *owed to the United States relating to covered assist-*
10 *ance provided to an individual or household if—*

11 (A) *the covered assistance was distributed*
12 *based on an error by the Federal Emergency*
13 *Management Agency;*

14 (B) *there was no fault on behalf of the debt-*
15 *or; and*

16 (C) *the collection of the debt would be*
17 *against equity and good conscience; and*

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

22 (c) *REPORTING.—Not later than 3 months after the*
23 *date of enactment of this Act, and every 3 months thereafter*
24 *until the date that is 18 months after the date of enactment*
25 *of this Act, the Inspector General of the Department of*

1 *Homeland Security shall submit a report that assesses the*
2 *cost-effectiveness of the efforts of the Federal Emergency*
3 *Management Agency to recoup improper payments under*
4 *the individuals and households program under section 408*
5 *of the Robert T. Stafford Disaster Relief and Emergency*
6 *Assistance Act (42 U.S.C. 5174) to—*

7 (1) *the Committee on Homeland Security and*
8 *Governmental Affairs and the Subcommittee on*
9 *Homeland Security of the Committee on Appropriations*
10 *of the Senate; and*

11 (2) *the Committee on Homeland Security, the*
12 *Committee on Transportation and Infrastructure,*
13 *and the Subcommittee on Homeland Security of the*
14 *Committee on Appropriations of the House of Rep-*
15 *resentatives.*

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