

115TH CONGRESS
1ST SESSION

H. R. 1860

To ensure fairness in the recoupment of certain Federal disaster assistance,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2017

Mr. MEEKS introduced the following bill; which was referred to the Committee
on Transportation and Infrastructure

A BILL

To ensure fairness in the recoupment of certain Federal
disaster assistance, 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 2017”.

6 **SEC. 2. WAIVER OF CERTAIN DEBTS.**

7 (a) **WAIVER AUTHORITY.**—Notwithstanding section
8 3716(e) of title 31, United States Code, the Administrator
9 of the Federal Emergency Management Agency may waive

1 a debt owed to the United States related to covered assist-
2 ance provided to an individual or household if—

3 (1) the covered assistance was distributed based
4 on an error by the Federal Emergency Management
5 Agency;

6 (2) there was no fault on behalf of the debtor,
7 including that there was no fraud, presentation of a
8 false claim, or misrepresentation by the debtor or
9 any party having an interest in the applicable claim;
10 and

11 (3) the collection of the debt would be against
12 equity and good conscience.

13 (b) MONITORING OF COVERED ASSISTANCE DISTRIB-
14 UTED BASED ON ERROR.—

15 (1) IN GENERAL.—The Inspector General of
16 the Department of Homeland Security shall monitor,
17 on an ongoing basis, the distribution of covered as-
18 sistance to determine the percentage of such assist-
19 ance that is distributed based on an error by the
20 Federal Emergency Management Agency.

21 (2) REMOVAL OF WAIVER AUTHORITY DUE TO
22 EXCESSIVE ERROR RATE.—If the Inspector General
23 determines, with respect to any 12-month period,
24 that the percentage of covered assistance that is dis-
25 tributed based on an error by the Federal Emer-

1 agency Management Agency exceeds 4 percent of the
2 total amount of covered assistance distributed—

3 (A) the Inspector General shall—

4 (i) notify the Administrator of the
5 Federal Emergency Management Agency
6 of the determination; and

7 (ii) publish the determination in the
8 Federal Register; and

9 (B) with respect to debts owed in relation
10 to covered assistance provided for a major dis-
11 aster or emergency declared after the date on
12 which the determination is published under sub-
13 paragraph (A)(ii), the waiver authority under
14 subsection (a) of this section shall not apply.

15 (c) COVERED ASSISTANCE DEFINED.—In this sec-
16 tion, the term “covered assistance” means assistance pro-
17 vided—

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

21 (2) in relation to a major disaster or emergency
22 declared by the President under such Act (42 U.S.C.
23 5121 et seq.) on or after October 30, 2012.

1 **SEC. 3. LIMITATION ON RECOVERY.**

2 Notwithstanding section 3716(e) of title 31, United
3 States Code, the Administrator of the Federal Emergency
4 Management Agency, unless there is evidence of fraud,
5 shall not initiate any action, in any forum, to recover—

6 (1) assistance provided to an individual or
7 household under section 408 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5174) more than 3 years after the last
10 date on which the assistance was provided; or

11 (2) amounts owed by an individual or household
12 in relation to assistance provided under such section
13 more than 3 years after the date on which the
14 amounts were determined to be owed.

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