

114TH CONGRESS
1ST SESSION

S. 634

To prohibit the Federal Emergency Management Agency from recouping certain assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2015

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit the Federal Emergency Management Agency from recouping certain 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 Fairness and Accountability Act of 2015”.

6 **SEC. 2. RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-**
7 **ITED.**

8 Section 408 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5174) is
10 amended by adding at the end the following:

1 “(k) RECOUPMENT OF CERTAIN ASSISTANCE.—

2 “(1) IN GENERAL.—The Federal Emergency
3 Management Agency may not take any actions to re-
4 coup covered assistance from a recipient of such as-
5 sistance if—

6 “(A) the—

7 “(i) application of the recipient with
8 respect to such assistance was made in
9 good faith and provided accurate informa-
10 tion; and

11 “(ii) receipt of such assistance could
12 reasonably have been expected by the re-
13 cipient; or

14 “(B) the receipt of such assistance oc-
15 curred on a date that is more than 3 years be-
16 fore the date on which the Federal Emergency
17 Management Agency first provides to the recipi-
18 ent written notification of an intent to recoup.

19 “(2) DISCLOSURE OF FAULT.—In carrying out
20 a recoupment of covered assistance that is not pro-
21 hibited under paragraph (1), the Federal Emergency
22 Management Agency shall provide to the relevant re-
23 cipient documentation that demonstrates the manner
24 in which the recipient does not satisfy paragraph
25 (1)(A).

1 “(3) COVERED ASSISTANCE DEFINED.—In this
2 subsection, the term ‘covered assistance’ means as-
3 sistance provided—

4 “(A) under this section; and

5 “(B) in relation to a major disaster de-
6 clared by the President under section 401 on or
7 after January 1, 2012.”.

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