

Congress of the United States
Washington, DC 20515

March 17, 2016

The Honorable Ander Crenshaw
Chairman
Committee on Appropriations
Subcommittee on Financial Services
and General Government
B-300 Rayburn HOB
Washington, D.C. 20515

The Honorable José Serrano
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services
and General Government
B-300 Rayburn HOB
Washington, D.C. 20515

Dear Chairman Crenshaw and Ranking Member Serrano:

As you prepare the Fiscal Year 2017 Financial Services and General Government Appropriations Act, we respectfully ask that you include following bill language regarding the Federal Emergency Management's (FEMA) attempted recoupment of federal aid provided to victims of Superstorm Sandy:

Sec. XXX. Notwithstanding any other provision of law, none of the funds made available by this Act may be used to recoup a debt owed to the United States related to assistance provided under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) and in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) on or after January 1, 2012 to an individual or household if—

- (1) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;*
- (2) there was no fault on behalf of the debtor;*
- (3) the collection of the debt would be against equity and good conscience; and*
- (4) the debt does not involve fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.*

In the aftermath of Sandy, survivors applied for and received various forms of federal disaster aid, including FEMA individual assistance, Small Business Administration (SBA) home disaster loans, and Department of Housing and Urban Development (HUD) grants. These victims acted in good faith to immediately begin the rebuilding process. Now, more than three years after Sandy struck, FEMA continues to claw back assistance distributed by its own error—blindsiding victims still struggling to recover. If victims do not pay the FEMA-determined debt in full or agree to a payment plan, FEMA refers the debt to the U.S. Department of the Treasury for collection.

The inclusion of this provision would provide temporary relief to these survivors and allow them to continue rebuilding their lives. Following Hurricanes Katrina and Rita in 2005, Congress

provided FEMA with the discretionary authority to waive debts under the same circumstances (*Disaster Assistance Recoupment Fairness Act of 2011/DARFA*; Section 565 of the *Consolidated Appropriations Act, 2012*, Public Law 112-74). In its final of six reports mandated under the Act, the Department of Homeland Security (DHS) Office of Inspector General (OIG) concluded that *“there needs to be an in depth review of applicants that received improper payments of individual assistance to prevent these types of payments in the future.”*

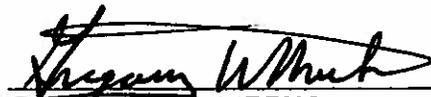
Regrettably, FEMA has continued to ignore the lessons learned from prior experiences. While the House recently and unanimous passed the *FEMA Disaster Assistance Reform Act of 2015* (H.R. 1471), which provides similar discretionary waiver authority as well as a correlating statute of limitations, we believe that the inclusion of this bill language in the FY2017 appropriations act would provide a backstop for Sandy victims should the Senate fail to take action on H.R. 1471 by the close of session.

Our constituents have made great sacrifices to rebuild and recover over the last three years. They have been stretched financially and emotionally. We cannot afford to sit back and watch as their progress is undermined by FEMA’s claw back efforts. We greatly appreciate the Committee’s leadership and commitment to the Sandy recovery, and thank you for your consideration of this request.

Sincerely,



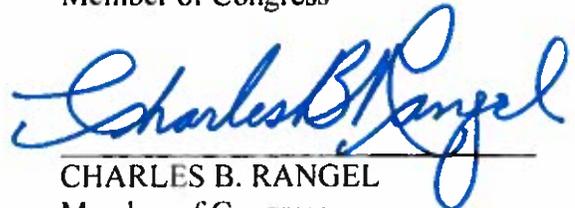
CHRISTOPHER H. SMITH
Member of Congress



GREGORY W. MEEKS
Member of Congress



DAN DONOVAN
Member of Congress



CHARLES B. RANGEL
Member of Congress



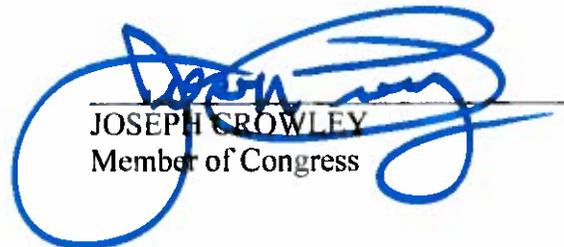
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FRANK PALLONE, JR.
Member of Congress



SCOTT GARRETT
Member of Congress



DONALD M. PAYNE, JR.
Member of Congress



PETER T. KING
Member of Congress



YVETTE D. CLARKE
Member of Congress



ALBIO SIRES
Member of Congress



MAXINE WATERS
Member of Congress



JERROLD NADLER
Member of Congress



ELIOT L. ENGEL
Member of Congress



SEAN PATRICK MALONEY
Member of Congress



BONNIE WATSON COLEMAN
Member of Congress



HAKEEM JEFFRIES
Member of Congress



KATHLEEN M. RICE
Member of Congress



BILL PASCRELL, JR.
Member of Congress

Congress of the United States
Washington, DC 20515

March 23, 2016

The Honorable John Carter
Chairman
Committee on Appropriations
Subcommittee on Homeland Security
B-307 Rayburn HOB
Washington, D.C. 20515

The Honorable Lucille Roybal-Allard
Ranking Member
Committee on Appropriations
Subcommittee on Homeland Security
B-307 Rayburn HOB
Washington, D.C. 20515

Dear Chairman Carter and Ranking Member Roybal-Allard:

As you prepare the Fiscal Year 2017 Department of Homeland Security Appropriations Act, we respectfully ask that you include following bill language regarding the Federal Emergency Management's (FEMA) attempted recoupment of federal aid provided to victims of Superstorm Sandy:

Sec. XXX. Notwithstanding any other provision of law, none of the funds made available by this Act may be used to recoup a debt owed to the United States related to assistance provided under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) and in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) on or after January 1, 2012 to an individual or household if—

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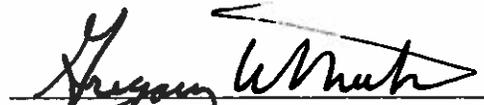
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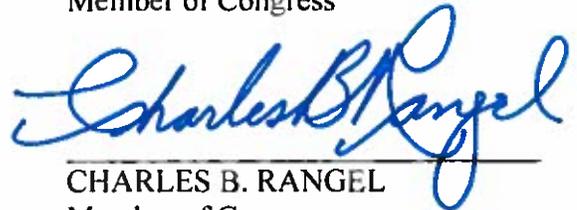
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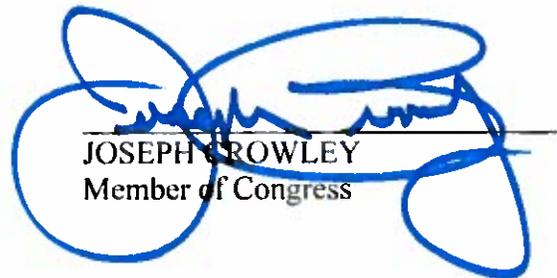
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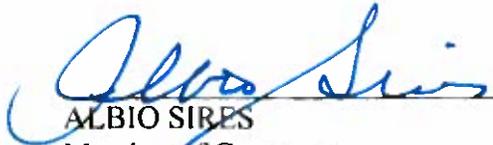
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Member of Congress



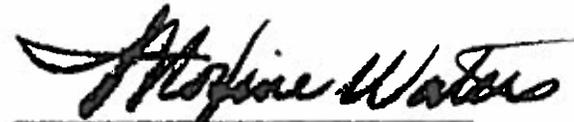
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