



FEMA

SENT VIA E-MAIL TO: SCOTT@POGO.ORG

MAR 09 2012

Mr. Scott H. Amey
General Counsel
Project on Government Oversight
1100 G Street, NW, Suite 900
Washington, DC 20005-3806

Re: FEMA 10-631

Dear Mr. Amey:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated July 27, 2010. You requested the following:

1. The yearly totals for payments owed to FEMA as reparations by individuals or groups found guilty of all types of fraud relating to private-sector and government efforts to help victims of Hurricanes Katrina, Rita, and Wilma from 2005 to 2010, including but not limited to government contract and procurement fraud, public corruption, government and private-sector benefit fraud, identity theft, and fraudulent charities.
2. The yearly totals for payments actually collected by FEMA as reparations by individuals or groups found guilty of all types of fraud relating to private-sector and government efforts to help victims of Hurricanes Katrina, Rita, and Wilma from 2005 to 2010, including but not limited to government contract and procurement fraud, public corruption, government and private-sector benefit fraud, identity theft, and fraudulent charities.
3. FEMA's process and methods for collecting reparations owed to them by said convicted offenders, including procedure manuals, instructions, correspondence, memoranda, e-mails, etc.

We conducted a comprehensive search of files within the Individual Assistance Division and the Office of the Chief Financial Officer for records that would be responsive to your request. We are granting your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. We have determined that the information is appropriate for release.

The FOIA does not require federal agencies to create records in response to a FOIA request. NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 162 (1975); Zemansky v. EPA, 767 F.2d 569, 574 (9th Cir. 1985). As a courtesy we have assembled the information below to respond to your request.

We identified the following information as responsive to items 1 and 2 of your request:

	Billed	Payments
FY 2005	-	-
FY 2006	852,465.94	(322,312.68)
FY 2007	2,610,641.04	(206,450.11)
FY 2008	3,411,328.52	(605,670.13)
FY 2009	6,534,968.51	(3,438,274.74)
FY 2010	3,080,283.84	(969,365.31)

In addition, as it relates to item 3 of your request, during the search for responsive records, we were advised that FEMA does not collect "reparations." The Department of Justice has a statutory duty to enforce and collect restitution judgments on behalf of the United States. In doing so, we send demand letters and follow processes as outlined in the United States Attorney's Manual (USAM), Title 3 EOUSA. The USAM is available to the public and can be found via any on-line search engine. The courts receipt and disburse restitution payments and provide the Department of Justice with updates when payments are made. The Department of Justice does not have Memoranda of Understanding with most federal agencies regarding restitution since it is considered a Department of Justice function to collect criminal restitution, not an agency function.

The information you seek is, therefore, under the purview of the Department of Justice. We are transferring this request to their FOIA Officer for processing under the FOIA and direct response to you. You may contact that office directly:


FOIA/PA Mail Referral Unit
Justice Management Division
Room 115
LOC Building
Washington, DC 20530-0001

Phone: (301) 583-7354
Fax: (301) 341- 0772

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because of the delay in responding to your request, we are waiving any fees associated with the processing of it.

If you need to contact us about this request, please refer to **FEMA 10-631**. You may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. M. Bennett', written in a cursive style.

Dr. Anthony M. Bennett
Disclosure Branch Chief
Records Management Division
Mission Support Bureau