

S 386

FERA

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 5, 2009

Current Status: Became Public Law No: 111-21.

Latest Action: Became Public Law No: 111-21. (May 20, 2009)

Law: 111-21 (Enacted May 20, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/386>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (27 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 5, 2009
Sen. Kaufman, Edward E. [D-DE]	D · DE		Feb 5, 2009
Sen. Klobuchar, Amy [D-MN]	D · MN		Feb 23, 2009
Sen. Schumer, Charles E. [D-NY]	D · NY		Mar 5, 2009
Sen. Bayh, Evan [D-IN]	D · IN		Apr 20, 2009
Sen. Dorgan, Byron L. [D-ND]	D · ND		Apr 20, 2009
Sen. Harkin, Tom [D-IA]	D · IA		Apr 20, 2009
Sen. Levin, Carl [D-MI]	D · MI		Apr 20, 2009
Sen. Murray, Patty [D-WA]	D · WA		Apr 20, 2009
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Apr 20, 2009
Sen. Shaheen, Jeanne [D-NH]	D · NH		Apr 20, 2009
Sen. Snowe, Olympia J. [R-ME]	R · ME		Apr 20, 2009
Sen. Specter, Arlen [R-PA]	R · PA		Apr 20, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Apr 20, 2009
Sen. Sanders, Bernard [I-VT]	I · VT		Apr 21, 2009
Sen. Stabenow, Debbie [D-MI]	D · MI		Apr 21, 2009
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 22, 2009
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 22, 2009
Sen. Begich, Mark [D-AK]	D · AK		Apr 27, 2009
Sen. Burris, Roland [D-IL]	D · IL		Apr 27, 2009
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Apr 27, 2009
Sen. Dodd, Christopher J. [D-CT]	D · CT		Apr 27, 2009
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Apr 27, 2009
Sen. Menendez, Robert [D-NJ]	D · NJ		Apr 27, 2009
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Apr 27, 2009
Sen. Pryor, Mark L. [D-AR]	D · AR		Apr 27, 2009
Sen. Reid, Harry [D-NV]	D · NV		Apr 27, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Mar 6, 2009

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
111 HR 1748	Related bill	May 4, 2009: Placed on the Union Calendar, Calendar No. 43.
111 HR 1793	Related bill	Apr 27, 2009: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
111 S 378	Related bill	Feb 10, 2009: Sponsor introductory remarks on measure. (CR S2072-2073)

Fraud Enforcement and Recovery Act of 2009 or FERA - (Sec. 2) Amends the federal criminal code to include within the definition of "financial institution" a mortgage lending business or any person or entity that makes, in whole or in part, a federally related mortgage loan. Defines "mortgage lending business" as an organization that finances or refinances any debt secured by an interest in real estate, including private mortgage companies and their subsidiaries, and whose activities affect interstate or foreign commerce.

Extends the prohibition against making false statements in a mortgage application to employees and agents of a mortgage lending business.

Applies the prohibition against defrauding the federal government to fraudulent activities involving the Troubled Asset Relief Program (TARP) or a federal economic stimulus, recovery, or rescue plan.

Expands securities fraud provisions to cover fraud involving options and futures in commodities.

Expands the concept of monetary proceeds, for purposes of enforcing prohibitions against money laundering, to include gross receipts.

Expresses the sense of Congress with respect to the prosecution of money laundering crimes in combination with other closely-connected offenses. Requires the Attorney General to report to the House and Senate Judiciary Committees on such prosecutions.

(Sec. 3) Authorizes appropriations to the Attorney General for FY2010-FY2011 for investigations, prosecutions, and civil and administrative proceedings involving federal assistance programs and financial institutions. Allocates such funds among various departments of the Department of Justice (DOJ). Requires that an appropriate percentage of such funds be used to investigate mortgage fraud.

Authorizes additional appropriations to the U.S. Postal Service, the Inspector General for the Department of Housing and Urban Development (HUD), the U.S. Secret Service, and the Securities and Exchange Commission (SEC), including the Office of Inspector General, in FY2010-FY2011 for similar investigations.

Requires the Attorney General, in consultation with the U.S. Postal Inspection Service, the Inspector General for HUD, the Secretary of Homeland Security, and the SEC Commissioner [*sic*], to submit a report to Congress identifying: (1) amounts spent for investigations, with a certification of compliance that funds have been spent in accordance with this Act; and (2) amounts recovered from criminal or civil restitution, fines, penalties, and other monetary recoveries.

(Sec. 4) Amends the False Claims Act to: (1) expand liability under such Act for making false or fraudulent claims to the federal government; and (2) apply liability under such Act for presenting a false or fraudulent claim for payment or approval (currently limited to such a claim presented to an officer or employee of the federal government). Requires persons who violate such Act to reimburse the federal government for the costs of a civil action to recover penalties or damages.

Modifies and expands provisions of the False Claims Act relating to intervention by the federal government in civil actions for false claims, sharing of information by the Attorney General with a claimant, retaliatory relief, and service upon state or local authorities in sealed cases.

(Sec. 5) Establishes in the legislative branch the Financial Crisis Inquiry Commission to examine the causes of the

current U.S. financial and economic crisis, taking into account fraud and abuse in the financial sector and other specified factors.

Requires the Commission to submit a final report on its findings to the President and Congress on December 15, 2010. Requires the Commission chairperson to appear before the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs within 120 days after the submission of such report. Terminates the Commission 60 days after the submission of such report.

Authorizes appropriations.

Actions Timeline

- **May 20, 2009:** Signed by President.
- **May 20, 2009:** Became Public Law No: 111-21.
- **May 19, 2009:** Cleared for White House.
- **May 19, 2009:** Presented to President.
- **May 18, 2009:** Mr. Scott (VA) moved that the House suspend the rules and agree to the Senate amendment to the House amendments. (consideration: CR H5686-5688, S5689)
- **May 18, 2009:** DEBATE - The House proceeded with forty minutes of debate on S. 386.
- **May 18, 2009:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Burgess objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn. (consideration: CR H5688)
- **May 18, 2009:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment to the House amendments Agreed to by the Yeas and Nays: (2/3 required): 338 - 52 (Roll no. 268).(text as House agreed to Senate amendment: CR H5686)
- **May 18, 2009:** On motion that the House suspend the rules and agree to the Senate amendment to the House amendments Agreed to by the Yeas and Nays: (2/3 required): 338 - 52 (Roll no. 268). (text as House agreed to Senate amendment: CR H5686)
- **May 18, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **May 15, 2009:** Message on Senate action sent to the House.
- **May 14, 2009:** Resolving differences -- Senate actions: Senate concurred in House amendment with an amendment (SA 1128) by Unanimous Consent.(consideration: CR S5494-5495)
- **May 14, 2009:** Senate concurred in House amendment with an amendment (SA 1128) by Unanimous Consent. (consideration: CR S5494-5495)
- **May 14, 2009:** Resolving differences -- Senate actions: Senate concurred in the House amendment to the title by Unanimous Consent.
- **May 14, 2009:** Senate concurred in the House amendment to the title by Unanimous Consent.
- **May 6, 2009:** Mr. Scott (VA) moved to suspend the rules and pass the bill, as amended.
- **May 6, 2009:** Considered under suspension of the rules. (consideration: CR H5260-5270)
- **May 6, 2009:** DEBATE - The House proceeded with forty minutes of debate on S. 386.
- **May 6, 2009:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **May 6, 2009:** Considered as unfinished business. (consideration: CR H5271-5272)
- **May 6, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 367 - 59, 1 Present (Roll no. 235).(text: CR H5260-5264)
- **May 6, 2009:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 367 - 59, 1 Present (Roll no. 235). (text: CR H5260-5264)
- **May 6, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **May 6, 2009:** The title of the measure was amended. Agreed to without objection.
- **May 6, 2009:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **Apr 28, 2009:** Considered by Senate. (consideration: CR S4774-4781)
- **Apr 28, 2009:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 92 - 4. Record Vote Number: 171.(text: CR S4777-4781)
- **Apr 28, 2009:** Passed Senate with an amendment by Yea-Nay Vote. 92 - 4. Record Vote Number: 171. (text: CR S4777-4781)
- **Apr 28, 2009:** Received in the House.
- **Apr 28, 2009:** Message on Senate action sent to the House.
- **Apr 28, 2009:** Held at the desk.
- **Apr 27, 2009:** Considered by Senate. (consideration: CR S4735-4738, S4738-4741)
- **Apr 27, 2009:** Cloture on the committee substitute amendment invoked in Senate by Yea-Nay Vote. 84 - 4. Record Vote Number: 170. (consideration: CR S4740; text: CR S4740)
- **Apr 27, 2009:** Point of order raised against pending amendments en bloc.
- **Apr 27, 2009:** The committee substitute as amended agreed to by Unanimous Consent Vote. (consideration: CR

S4740)

- **Apr 23, 2009:** Considered by Senate. (consideration: CR S4704-4641, S4657)
- **Apr 23, 2009:** Cloture motion on the committee substitute amendment presented in Senate. (consideration: CR S4657; text: CR S4657)
- **Apr 22, 2009:** Measure laid before Senate by unanimous consent. (consideration: CR S4531-4561; text of measure as reported in Senate: CR S4531-4532)
- **Apr 21, 2009:** Cloture motion on the motion to proceed to the measure withdrawn by unanimous consent in Senate. (consideration: CR S4498)
- **Apr 20, 2009:** Motion to proceed to measure considered in Senate. (consideration: CR S4408-4426)
- **Apr 3, 2009:** Cloture motion on the motion to proceed to the measure presented in Senate. (consideration: CR 4/02/2009 S4399; text: CR 4/02/2009 S4399)
- **Mar 23, 2009:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-10.
- **Mar 5, 2009:** Committee on the Judiciary. Ordered to be reported with an amendment favorably.
- **Mar 5, 2009:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Mar 5, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 28.
- **Feb 5, 2009:** Introduced in Senate
- **Feb 5, 2009:** Sponsor introductory remarks on measure. (CR S1681-1682)
- **Feb 5, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S1682-1684)