

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 4599

To streamline the sharing of information among Federal disaster assistance agencies, to expedite the delivery of life-saving assistance to disaster survivors, to speed the recovery of communities from disasters, to protect the security and privacy of information provided by disaster survivors, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS (for himself and Mr.
LANKFORD)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Assistance
5 Simplification Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The disaster response framework of the
9 United States relies on a unified, integrated, agile,

1 and adaptable whole-of-community effort by Federal,
2 State, and local disaster assistance agencies, and by
3 voluntary organizations, to respond to any natural
4 and man-made disasters that may strike commu-
5 nities.

6 (2) Federal disaster assistance agencies must
7 be ready to support States, communities, and volun-
8 teer agencies immediately after unpredictable cata-
9 strophic disasters that occur without notice.

10 (3) The immediate sharing of information is es-
11 sential to an efficient and effective delivery of dis-
12 aster assistance—

13 (A) when lives and property are at risk;
14 and

15 (B) as communities seek to recover from
16 disasters as quickly as possible.

17 (4) Section 552a of title 5, United States Code
18 (commonly known as the “Privacy Act of 1974”)
19 and subchapter I of chapter 35 of title 44, United
20 States Code (commonly known as the “Paperwork
21 Reduction Act”) require multiple layers of review,
22 notice, and publication in the Federal Register be-
23 fore Federal disaster assistance agencies can amend
24 or adapt their information sharing practices.

1 (5) Such extended review processes can have
2 the effect of inhibiting efficiency, innovation, and
3 interoperability among Federal, State, Tribal, terri-
4 torial, local, private, and volunteer partners in deliv-
5 ering disaster assistance within a whole-of-commu-
6 nity disaster assistance effort.

7 (6) Legal, regulatory, and policy limitations on
8 the interagency sharing of information submitted by
9 applicants for disaster assistance may require those
10 applicants to submit separate applications to mul-
11 tiple Federal disaster assistance agencies, which in-
12 creases the burden on those applicants, reduces the
13 efficiency of disaster assistance programs, and
14 places additional costs on taxpayers.

15 (b) PURPOSE.—The purposes of this Act are to—

16 (1) streamline the sharing of information
17 among Federal disaster assistance agencies;

18 (2) modernize the legal safeguards against the
19 unauthorized disclosure or misuse of information
20 about applicants for disaster assistance; and

21 (3) modernize, streamline, and consolidate the
22 overlapping requirements of section 552a of title 5,
23 United States Code, subchapter I of chapter 35 of
24 title 44, United States Code, and the agency policies
25 that implement those authorities to improve the

1 speed, convenience, efficiency, and effectiveness of
2 disaster relief programs.

3 **SEC. 3. ESTABLISHMENT OF DISASTERASSISTANCE.GOV**
4 **ELECTRONIC INFORMATION SYSTEM.**

5 The Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5121 et seq.) is amended
7 by adding at the end the following:

8 **“SEC. 707. ESTABLISHMENT OF DISASTERASSISTANCE.GOV**
9 **ELECTRONIC INFORMATION SYSTEM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of the Federal
13 Emergency Management Agency.

14 “(2) APPLICANT.—The term ‘applicant’
15 means—

16 “(A) an individual or organization who ap-
17 plies for disaster assistance from a disaster as-
18 sistance program; and

19 “(B) an individual or organization on be-
20 half of which an individual described in sub-
21 paragraph (A) applies for disaster assistance
22 from a disaster assistance program.

23 “(3) DISASTERASSISTANCE.GOV.—The term
24 ‘DisasterAssistance.gov’ means the electronic infor-
25 mation system established under subsection (b)(1).

1 “(4) DISASTER ASSISTANCE AGENCY.—The
2 term ‘disaster assistance agency’ means—

3 “(A) the Federal Emergency Management
4 Agency;

5 “(B) the Department of Housing and
6 Urban Development;

7 “(C) the Small Business Administration;

8 “(D) the Department of Agriculture; and

9 “(E) any Federal agency that provides dis-
10 aster assistance to individuals that the Adminis-
11 trator certifies as a disaster assistance agency
12 in accordance with subsection (f) to carry out
13 the purposes of a disaster assistance program.

14 “(5) DISASTER ASSISTANCE INFORMATION.—
15 The term ‘disaster assistance information’ includes
16 any personal, biographical, demographic, geo-
17 graphical, financial, application decision, or other in-
18 formation that a disaster assistance agency is au-
19 thorized to collect, maintain, share, or use to—

20 “(A) process an application for disaster as-
21 sistance from a disaster assistance program; or

22 “(B) otherwise carry out the purpose of a
23 disaster assistance program.

24 “(6) DISASTER ASSISTANCE PROGRAM.—The
25 term ‘disaster assistance program’ means—

1 “(A) a program that provides disaster as-
2 sistance to individuals and households under
3 title IV or V in accordance with sections 408
4 and 502; or

5 “(B) any other assistance program author-
6 ized by a Federal statute or funded with Fed-
7 eral appropriations under which a disaster as-
8 sistance agency awards or distributes disaster
9 assistance to an individual, household, or orga-
10 nization that arises from a major disaster or
11 emergency declared under section 401 or 501,
12 respectively, including—

13 “(i) disaster assistance;

14 “(ii) long-term disaster recovery as-
15 sistance;

16 “(iii) the post-disaster restoration of
17 infrastructure and housing;

18 “(iv) post-disaster economic revitaliza-
19 tion;

20 “(v) pre-disaster mitigation under
21 title I of the Housing and Community De-
22 velopment Act of 1974 (42 U.S.C. 5301 et
23 seq.);

1 “(vi) a loan authorized under section
2 7(b) of the Small Business Act (15 U.S.C.
3 636(b)); and

4 “(vii) food benefit allotments under
5 section 412 of this Act and Section 5(h) of
6 the Food and Nutrition Act of 2008 (7
7 U.S.C. 2014(h)).

8 “(7) RECORD.—The term ‘record’ has the
9 meaning given the term in section 552a of title 5,
10 United States Code.

11 “(b) ESTABLISHMENT OF CONSOLIDATED APPLICA-
12 TION SYSTEM.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of the Disaster Assist-
15 ance Simplification Act, the Administrator shall es-
16 tablish a web-based, interagency electronic informa-
17 tion system to be known as DisasterAssistance.gov
18 to—

19 “(A) facilitate a consolidated application
20 for any form of disaster assistance provided by
21 a disaster assistance agency;

22 “(B) carry out the purposes of disaster as-
23 sistance programs swiftly, efficiently, equitably,
24 and in accordance with applicable laws and the

1 privacy and data protections provided under
2 this section; and

3 “(C) support the detection, prevention, and
4 investigation of waste, fraud, abuse, or discrimi-
5 nation in the administration of disaster assist-
6 ance programs.

7 “(2) CAPABILITIES OF THE CONSOLIDATED AP-
8 PPLICATION SYSTEM.—DisasterAssistance.gov shall—

9 “(A) allow for applicants to receive status
10 updates on applications for disaster assistance
11 programs through DisasterAssistance.gov;

12 “(B) allow for applicants to update dis-
13 aster assistance information throughout the re-
14 covery journeys of those applicants;

15 “(C) allow for the distribution of addi-
16 tional recovery resource information to disaster
17 survivors that may be available in a disaster
18 stricken jurisdiction;

19 “(D) provide disaster survivors with infor-
20 mation and documentation on the applications
21 of those disaster survivors for a disaster assist-
22 ance program; and

23 “(E) contain other capabilities determined
24 necessary by the heads of disaster assistance
25 agencies.

1 “(c) AUTHORITIES OF ADMINISTRATOR.—The Ad-
2 administrator may—

3 “(1) collect, maintain, share, and use disaster
4 assistance information, including such information
5 received from any disaster assistance agency, with
6 any other disaster assistance agency for purposes of
7 subsection (b)(1), and may use
8 DisasterAssistance.gov for these purposes; and

9 “(2) subject to subsection (d), authorize the col-
10 lection, sharing, and use of disaster assistance infor-
11 mation collected on or after the date of enactment
12 of the Disaster Assistance Simplification Act by pub-
13 lishing a notice on DisasterAssistance.gov that—

14 “(A) includes a detailed description of—

15 “(i) the specific disaster assistance in-
16 formation authorized to be collected, main-
17 tained, and shared;

18 “(ii) why the collection, maintenance,
19 or sharing of the disaster assistance infor-
20 mation is—

21 “(I) necessary to carry out the
22 purpose of a disaster assistance pro-
23 gram; and

24 “(II) consistent with fair infor-
25 mation practice principles; and

1 “(iii) the disaster assistance agencies
2 that will be granted access to the disaster
3 assistance information to carry out the
4 purpose of any disaster assistance pro-
5 gram; and

6 “(B) the submission of an application
7 through DisasterAssistance.gov constitutes
8 prior written consent to disclose disaster assist-
9 ance information to disaster assistance agencies
10 for the purpose of section 552a(b) of title 5,
11 United States Code.

12 “(d) COLLECTION AND SHARING OF RECORDS AND
13 INFORMATION.—

14 “(1) EFFECT OF PUBLICATION OF NOTICE ON
15 DISASTERASSISTANCE.GOV.—The publication of a
16 notice by the Administrator on
17 DisasterAssistance.gov of a revision to the
18 DisasterAssistance.gov system of records on
19 DisasterAssistance.gov prior to any new collection,
20 or uses, of records, to carry out the purposes of a
21 disaster assistance program with respect to a major
22 disaster or emergency declared by the President
23 under section 401 or 501, respectively, of this Act
24 shall be deemed to satisfy the notice and publication
25 requirements of section 552a(e)(4) of title 5, United

1 States Code, for a period of not more than 90 days
2 following such declaration, unless such revision has
3 been published in the Federal Register earlier than
4 90 days after the date of such declaration.

5 “(2) PAPERWORK REDUCTION ACT WAIVER.—

6 “(A) IN GENERAL.—Upon the declaration
7 of a major disaster or emergency pursuant to
8 section 401 or 501, respectively, of this Act, the
9 Administrator may waive the requirements of
10 subchapter I of chapter 35 of title 44, United
11 States (commonly known as the ‘Paperwork Re-
12 duction Act’) with respect to voluntary collec-
13 tion of information to carry out the purposes of
14 a disaster assistance program.

15 “(B) DURATION.—A waiver described in
16 subparagraph (A) shall be in effect for the du-
17 ration of the major disaster or emergency, as
18 applicable.

19 “(C) TRANSPARENCY.—If the Adminis-
20 trator waives the requirements described in sub-
21 paragraph (A), the Administrator shall—

22 “(i) promptly post on the internet
23 website of the Federal Emergency Manage-
24 ment Agency—

1 “(I) a brief justification for the
2 waiver; and

3 “(II) the agencies and offices to
4 which the waiver shall apply; and

5 “(ii) update the information posted
6 under clause (i), as applicable.

7 “(D) EFFECTIVENESS OF WAIVER.—Any
8 waiver under subparagraph (A) shall take effect
9 on the date on which the Administrator posts
10 information on the internet website as provided
11 for under subparagraph (C).

12 “(e) DATA SECURITY.—The Administrator shall fa-
13 cilitate the collection of disaster assistance information
14 into DisasterAssistance.gov only after—

15 “(1) the Administrator certifies that
16 DisasterAssistance.gov substantially complies with
17 the data security standards established pursuant to
18 subchapter II of chapter 35 of title 44, United
19 States Code, and any other applicable Federal infor-
20 mation security policy;

21 “(2) the Secretary of Homeland Security pub-
22 lishes a privacy impact assessment for
23 DisasterAssistance.gov that is similar to the privacy
24 assessment conducted under section 208(b)(1)(B) of

1 the E-Government Act of 2002 (44 U.S.C. 3501
2 note); and

3 “(3) the Administrator publishes standard rules
4 of behavior for disaster assistance agencies and per-
5 sonnel granted access to disaster assistance informa-
6 tion to protect such information from improper dis-
7 closure.

8 “(f) CERTIFICATION OF DISASTER ASSISTANCE
9 AGENCIES.—

10 “(1) IN GENERAL.—The Administrator may
11 certify a Federal agency as a disaster assistance
12 agency after posting an agreement between the Ad-
13 ministrator and the Federal agency on
14 DisasterAssistance.gov that contains the detailed
15 terms of the agreement.

16 “(2) CONTENTS OF AGREEMENT.—An agree-
17 ment between the Administrator and a Federal
18 agency described in paragraph (1) shall state that
19 the Federal agency will—

20 “(A) collect, share, maintain, and use dis-
21 aster assistance information in accordance
22 with—

23 “(i) this section; and

24 “(ii) any existing policies of the Fed-
25 eral Emergency Management Agency and

1 the Federal agency for information protec-
2 tion and use;

3 “(B) train any personnel granted access to
4 disaster assistance information on the rules of
5 behavior established by the Administrator under
6 subsection (e)(3);

7 “(C) in the event of any unauthorized dis-
8 closure of disaster assistance information—

9 “(i) not later than 24 hours after dis-
10 covering the unauthorized disclosure, no-
11 tify the Administrator of the disclosure;

12 “(ii) cooperate fully with the Adminis-
13 trator in the investigation and remediation
14 of the disclosure; and

15 “(iii) cooperate fully in the prosecu-
16 tion of a person responsible for the disclo-
17 sure; and

18 “(D) assume the responsibility for any
19 compensation, civil liability, or other remedi-
20 ation measure awarded by a judgment of a
21 court or agreed as a compromise of any poten-
22 tial claim by or on behalf of an applicant, in-
23 cluding by obtaining credit monitoring and re-
24 mediation services, for an improper disclosure
25 of disaster assistance information that is—

1 “(i) caused, directly or indirectly, by
2 the acts or omissions of an officer, em-
3 ployee, or contractor of the disaster assist-
4 ance agency; or

5 “(ii) from any electronic system of
6 records that created or maintained by the
7 disaster assistance agency pursuant to sec-
8 tion 552a(e) of title 5, United States Code.

9 “(g) RULES OF CONSTRUCTION.—

10 “(1) INAPPLICABILITY OF MATCHING PROGRAM
11 PROVISIONS.—The sharing of disaster assistance in-
12 formation subject to the requirements of section
13 552a of title 5, United States Code among disaster
14 assistance agencies or with State, local, or Tribal
15 governments carrying out disaster assistance pro-
16 grams shall not—

17 “(A) be construed as a matching program
18 for the purpose of section 552a(a)(8) of title 5,
19 United States Code; and

20 “(B) be subject to subsection (e)(12), (o),
21 (p)(1)(A)(ii), (q), (r), or (u) of section 552a of
22 title 5, United States Code.

23 “(2) AUTHORITIES IN OTHER LAWS.—Nothing
24 in this section shall be construed to affect the au-

1 thority of an entity to share information in accord-
2 ance with any other law.”.