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 following:

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. FINDINGS AND PURPOSE.

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

8 (1) The disaster response framework of the United States relies on a unified, integrated, agile,
and adaptable whole-of-community effort by Federal, State, and local disaster assistance agencies, and by voluntary organizations, to respond to any natural and man-made disasters that may strike communities.

(2) Federal disaster assistance agencies must be ready to support States, communities, and volunteer agencies immediately after unpredictable catastrophic disasters that occur without notice.

(3) The immediate sharing of information is essential to an efficient and effective delivery of disaster assistance—

   (A) when lives and property are at risk; and
   
   (B) as communities seek to recover from disasters as quickly as possible.

(4) Section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”) and subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) require multiple layers of review, notice, and publication in the Federal Register before Federal disaster assistance agencies can amend or adapt their information sharing practices.
(5) Such extended review processes can have the effect of inhibiting efficiency, innovation, and interoperability among Federal, State, Tribal, territorial, local, private, and volunteer partners in delivering disaster assistance within a whole-of-community disaster assistance effort.

(6) Legal, regulatory, and policy limitations on the interagency sharing of information submitted by applicants for disaster assistance may require those applicants to submit separate applications to multiple Federal disaster assistance agencies, which increases the burden on those applicants, reduces the efficiency of disaster assistance programs, and places additional costs on taxpayers.

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

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

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

(3) modernize, streamline, and consolidate the overlapping requirements of section 552a of title 5, United States Code, subchapter I of chapter 35 of title 44, United States Code, and the agency policies that implement those authorities to improve the
speed, convenience, efficiency, and effectiveness of

disaster relief programs.

SEC. 3. ESTABLISHMENT OF DISASTERASSISTANCE.GOV

ELECTRONIC INFORMATION SYSTEM.

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

“SEC. 707. ESTABLISHMENT OF DISASTERASSISTANCE.GOV

ELECTRONIC INFORMATION SYSTEM.

“(a) DEFINITIONS.—In this section:

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

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

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

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

“(3) DISASTERASSISTANCE.GOV.—The term
‘DisasterAssistance.gov’ means the electronic infor-
mation system established under subsection (b)(1).
“(4) DISASTER ASSISTANCE AGENCY.—The term ‘disaster assistance agency’ means—

“(A) the Federal Emergency Management Agency;

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

“(C) the Small Business Administration;

“(D) the Department of Agriculture; and

“(E) any Federal agency that provides disaster assistance to individuals that the Administrator certifies as a disaster assistance agency in accordance with subsection (f) to carry out the purposes of a disaster assistance program.

“(5) DISASTER ASSISTANCE INFORMATION.—The term ‘disaster assistance information’ includes any personal, biographical, demographic, geographical, financial, application decision, or other information that a disaster assistance agency is authorized to collect, maintain, share, or use to—

“(A) process an application for disaster assistance from a disaster assistance program; or

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

“(6) DISASTER ASSISTANCE PROGRAM.—The term ‘disaster assistance program’ means—
“(A) a program that provides disaster assistance to individuals and households under title IV or V in accordance with sections 408 and 502; or

“(B) any other assistance program authorized by a Federal statute or funded with Federal appropriations under which a disaster assistance agency awards or distributes disaster assistance to an individual, household, or organization that arises from a major disaster or emergency declared under section 401 or 501, respectively, including—

“(i) disaster assistance;

“(ii) long-term disaster recovery assistance;

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

“(iv) post-disaster economic revitalization;

“(v) pre-disaster mitigation under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).
“(vi) a loan authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

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

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

“(b) ESTABLISHMENT OF CONSOLIDATED APPLICATION SYSTEM.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Disaster Assistance Simplification Act, the Administrator shall establish a web-based, interagency electronic information system to be known as DisasterAssistance.gov to—

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

“(B) carry out the purposes of disaster assistance programs swiftly, efficiently, equitably, and in accordance with applicable laws and the
privacy and data protections provided under this section; and

“(C) support the detection, prevention, and investigation of waste, fraud, abuse, or discrimination in the administration of disaster assistance programs.

“(2) CAPABILITIES OF THE CONSOLIDATED APPLICATION SYSTEM.—DisasterAssistance.gov shall—

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

“(B) allow for applicants to update disaster assistance information throughout the recovery journeys of those applicants;

“(C) allow for the distribution of additional recovery resource information to disaster survivors that may be available in a disaster stricken jurisdiction;

“(D) provide disaster survivors with information and documentation on the applications of those disaster survivors for a disaster assistance program; and

“(E) contain other capabilities determined necessary by the heads of disaster assistance agencies.
“(c) Authorities of Administrator.—The Administrator may—

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

“(2) subject to subsection (d), authorize the collection, sharing, and use of disaster assistance information collected on or after the date of enactment of the Disaster Assistance Simplification Act by publishing a notice on DisasterAssistance.gov that—

“(A) includes a detailed description of—

“(i) the specific disaster assistance information authorized to be collected, maintained, and shared;

“(ii) why the collection, maintenance, or sharing of the disaster assistance information is—

“(I) necessary to carry out the purpose of a disaster assistance program; and

“(II) consistent with fair information practice principles; and
“(iii) the disaster assistance agencies that will be granted access to the disaster assistance information to carry out the purpose of any disaster assistance program; and

“(B) the submission of an application through DisasterAssistance.gov constitutes prior written consent to disclose disaster assistance information to disaster assistance agencies for the purpose of section 552a(b) of title 5, United States Code.

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

“(1) EFFECT OF PUBLICATION OF NOTICE ON DISASTERASSISTANCE.GOV.—The publication of a notice by the Administrator on DisasterAssistance.gov of a revision to the DisasterAssistance.gov system of records on DisasterAssistance.gov prior to any new collection, or uses, of records, to carry out the purposes of a disaster assistance program with respect to a major disaster or emergency declared by the President under section 401 or 501, respectively, of this Act shall be deemed to satisfy the notice and publication requirements of section 552a(e)(4) of title 5, United
States Code, for a period of not more than 90 days following such declaration, unless such revision has been published in the Federal Register earlier than 90 days after the date of such declaration.

“(2) PAPERWORK REDUCTION ACT WAIVER.—

“(A) IN GENERAL.—Upon the declaration of a major disaster or emergency pursuant to section 401 or 501, respectively, of this Act, the Administrator may waive the requirements of subchapter I of chapter 35 of title 44, United States (commonly known as the ‘Paperwork Reduction Act’) with respect to voluntary collection of information to carry out the purposes of a disaster assistance program.

“(B) DURATION.—A waiver described in subparagraph (A) shall be in effect for the duration of the major disaster or emergency, as applicable.

“(C) TRANSPARENCY.—If the Administrator waives the requirements described in subparagraph (A), the Administrator shall—

“(i) promptly post on the internet website of the Federal Emergency Management Agency—
“(I) a brief justification for the waiver; and

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

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

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

“(e) DATA SECURITY.—The Administrator shall facilitate the collection of disaster assistance information into DisasterAssistance.gov only after—

“(1) the Administrator certifies that DisasterAssistance.gov substantially complies with the data security standards established pursuant to subchapter II of chapter 35 of title 44, United States Code, and any other applicable Federal information security policy;

“(2) the Secretary of Homeland Security publishes a privacy impact assessment for DisasterAssistance.gov that is similar to the privacy assessment conducted under section 208(b)(1)(B) of
the E-Government Act of 2002 (44 U.S.C. 3501 note); and

“(3) the Administrator publishes standard rules of behavior for disaster assistance agencies and personnel granted access to disaster assistance information to protect such information from improper disclosure.

“(f) Certification of Disaster Assistance Agencies.—

“(1) In general.—The Administrator may certify a Federal agency as a disaster assistance agency after posting an agreement between the Administrator and the Federal agency on DisasterAssistance.gov that contains the detailed terms of the agreement.

“(2) Contents of agreement.—An agreement between the Administrator and a Federal agency described in paragraph (1) shall state that the Federal agency will—

“(A) collect, share, maintain, and use disaster assistance information in accordance with—

“(i) this section; and

“(ii) any existing policies of the Federal Emergency Management Agency and
the Federal agency for information protection and use;

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

“(C) in the event of any unauthorized disclosure of disaster assistance information—

“(i) not later than 24 hours after discovering the unauthorized disclosure, notify the Administrator of the disclosure;

“(ii) cooperate fully with the Administrator in the investigation and remediation of the disclosure; and

“(iii) cooperate fully in the prosecution of a person responsible for the disclosure; and

“(D) assume the responsibility for any compensation, civil liability, or other remediation measure awarded by a judgment of a court or agreed as a compromise of any potential claim by or on behalf of an applicant, including by obtaining credit monitoring and remediation services, for an improper disclosure of disaster assistance information that is—
“(i) caused, directly or indirectly, by
the acts or omissions of an officer, em-
ployee, or contractor of the disaster assist-
ance agency; or
“(ii) from any electronic system of
records that created or maintained by the
disaster assistance agency pursuant to sec-
tion 552a(e) of title 5, United States Code.
“(g) RULES OF CONSTRUCTION.—
“(1) INAPPLICABILITY OF MATCHING PROGRAM
PROVISIONS.—The sharing of disaster assistance in-
formation subject to the requirements of section
552a of title 5, United States Code among disaster
assistance agencies or with State, local, or Tribal
governments carrying out disaster assistance pro-
grams shall not—
“(A) be construed as a matching program
for the purpose of section 552a(a)(8) of title 5,
United States Code; and
“(B) be subject to subsection (e)(12), (o),
(p)(1)(A)(ii), (q), (r), or (u) of section 552a of
title 5, United States Code.
“(2) AUTHORITIES IN OTHER LAWS.—Nothing
in this section shall be construed to affect the au-
authority of an entity to share information in accordance with any other law.”.