

117TH CONGRESS
2D SESSION

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.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2022

Mr. PETERS (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

10 (2) Federal disaster assistance agencies must
11 be ready to support States, communities, and volun-
12 teen agencies immediately after unpredictable cata-
13 strophic disasters that occur without notice.

14 (3) The immediate sharing of information is es-
15 sential to an efficient and effective delivery of dis-
16 aster assistance—

17 (A) when lives and property are at risk;
18 and

19 (B) as communities seek to recover from
20 disasters as quickly as possible.

21 (4) Section 552a of title 5, United States Code
22 (commonly known as the “Privacy Act of 1974”) and
23 subchapter I of chapter 35 of title 44, United
24 States Code (commonly known as the “Paperwork
25 Reduction Act”) require multiple layers of review,
26 notice, and publication in the Federal Register be-

1 fore Federal disaster assistance agencies can amend
2 or adapt their information sharing practices.

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

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

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

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

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

23 (3) modernize, streamline, and consolidate the
24 overlapping requirements of section 552a of title 5,
25 United States Code, subchapter I of chapter 35 of

1 title 44, United States Code, and the agency policies
 2 that implement those authorities to improve the
 3 speed, convenience, efficiency, and effectiveness of
 4 disaster relief programs.

5 **SEC. 3. ESTABLISHMENT OF DISASTERASSISTANCE.GOV**
 6 **ELECTRONIC INFORMATION SYSTEM.**

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

10 **“SEC. 707. ESTABLISHMENT OF DISASTERASSISTANCE.GOV**
 11 **ELECTRONIC INFORMATION SYSTEM.**

12 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

6 “(A) the Federal Emergency Management
7 Agency;

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

10 “(C) the Small Business Administration;

11 “(D) the Department of Agriculture; and

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

17 “(5) DISASTER ASSISTANCE INFORMATION.—

18 The term ‘disaster assistance information’ includes
19 any personal, biographical, demographic, geo-
20 graphical, financial, or application decision informa-
21 tion that a disaster assistance agency is authorized
22 to collect, maintain, share, or use to—

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

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

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

5 “(A) a program that provides disaster as-
6 sistance to individuals and households under
7 title IV or V in accordance with sections 408
8 and 502; or

9 “(B) any other assistance program author-
10 ized by a Federal statute under which a dis-
11 aster assistance agency awards or distributes
12 disaster assistance to an individual, household,
13 or organization that arises from a major dis-
14 aster or emergency declared under section 401
15 or 501, respectively, including—

16 “(i) disaster assistance;

17 “(ii) long-term disaster recovery as-
18 sistance;

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

21 “(iv) post-disaster economic revitaliza-
22 tion;

23 “(v) pre-disaster mitigation under
24 title I of the Housing and Community De-

1 velopment Act of 1974 (42 U.S.C. 5301 et
2 seq.);

3 “(vi) a loan authorized under section
4 7(b) of the Small Business Act (15 U.S.C.
5 636(b)); and

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

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

13 “(b) ESTABLISHMENT OF CONSOLIDATED APPLICA-
14 TION SYSTEM.—

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

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

24 “(B) carry out the purposes of disaster as-
25 sistance programs swiftly, efficiently, equitably,

1 and in accordance with applicable laws and the
2 privacy and data protections provided under
3 this section; and

4 “(C) detect, prevent, and investigate waste,
5 fraud, abuse, or discrimination in the adminis-
6 tration of disaster assistance 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 ministrator may—

3 “(1) collect, maintain, share, and use disaster
4 assistance information using DisasterAssistance.gov
5 or received from any disaster assistance agency with
6 any other disaster assistance agency; and

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

12 “(A) includes a detailed description of—

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

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

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

22 “(II) consistent with fair infor-
23 mation practice principles; and

24 “(iii) the disaster assistance agencies
25 that will be granted access to the disaster

1 assistance information to carry out the
2 purpose of any disaster assistance pro-
3 gram; and

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

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

12 “(1) EFFECT OF PUBLICATION OF NOTICE ON
13 DISASTERASSISTANCE.GOV.—The publication of a
14 notice by the Administrator on
15 DisasterAssistance.gov of a revision to the
16 DisasterAssistance.gov system of records on
17 DisasterAssistance.gov prior to any new collection,
18 or uses, of records, to carry out the purposes of a
19 disaster assistance program with respect to a major
20 disaster or emergency declared by the President
21 under section 401 or 501, respectively, of this Act
22 shall be deemed to satisfy the notice and publication
23 requirements of section 552a(e)(4) of title 5, United
24 States Code, for a period of not more than 90 days
25 following such declaration, unless such revision has

1 been published in the Federal Register earlier than
2 90 days after the date of such declaration.

3 “(2) PAPERWORK REDUCTION ACT WAIVER.—

4 “(A) IN GENERAL.—Upon the declaration
5 of a major disaster or emergency pursuant to
6 section 401 or 501, respectively, of this Act, the
7 President, without delegation, may direct the
8 Secretary of Homeland Security to waive the
9 requirements of subchapter I of chapter 35 of
10 title 44, United States (commonly known as the
11 ‘Paperwork Reduction Act’) with respect to vol-
12 untary collection of information to carry out the
13 purposes of a disaster assistance program.

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

18 “(C) TRANSPARENCY.—If the Secretary of
19 Homeland Security waives the requirements de-
20 scribed in subparagraph (A), the Secretary
21 shall—

22 “(i) promptly post on the internet
23 website of the Department of Homeland
24 Security—

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 Secretary of Home-
10 land Security posts information on the internet
11 website as provided for under subparagraph
12 (C).

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

16 “(1) the Administrator certifies that
17 DisasterAssistance.gov substantially complies with
18 the data security standards and best practices of the
19 National Institute of Standards and Technology;

20 “(2) the Secretary of Homeland Security pub-
21 lishes a privacy impact assessment for
22 DisasterAssistance.gov that is similar to the privacy
23 assessment conducted under section 222(a)(4) of the
24 Homeland Security Act of 2002 (6 U.S.C.
25 142(a)(4)); and

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

6 “(f) CERTIFICATION OF DISASTER ASSISTANCE
7 AGENCIES.—

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

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

18 “(A) collect, share, maintain, and use dis-
19 aster assistance information—

20 “(i) in accordance with this section;
21 and

22 “(ii) in substantial compliance with
23 the data security standards and best prac-
24 tices of the National Institute of Standards
25 and Technology;

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

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

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

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

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

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

24 “(i) caused, directly or indirectly, by
25 the acts or omissions of an officer, em-

1 ployee, or contractor of the disaster assist-
2 ance agency; or

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

7 “(g) RULES OF CONSTRUCTION.—

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

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

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

21 “(2) AUTHORITIES IN OTHER LAWS.—Nothing
22 in this section shall be construed to affect the au-
23 thority of an entity to share information in accord-
24 ance with any other law.”.

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