

1 Purpose: To streamline the sharing of information among Federal disaster assistance agencies, to
2 expedite the delivery of life-saving assistance to disaster survivors, to speed the recovery of
3 communities from disasters, and to protect the security and privacy of information provided by
4 disaster survivors.

5
6 S. 1462
7

8 To improve forest management activities on National Forest System land, public land under the
9 jurisdiction of the Bureau of Land Management, and Tribal land to return resilience to
10 overgrown, fire-prone forested land, and for other purposes.

11
12 Amendment intended to be proposed by Mr. Schiff
13

14 Viz:

15 At the appropriate place, insert the following:

16 **SEC. __. ESTABLISHMENT OF A UNIFIED DISASTER**
17 **ASSISTANCE INTAKE PROCESS AND SYSTEM.**

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

20 **“SEC. 707. ESTABLISHMENT OF A UNIFIED DISASTER**
21 **ASSISTANCE INTAKE PROCESS AND SYSTEM.**

22 “(a) Definitions.—In this section:

23 “(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal
24 Emergency Management Agency.

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

26 “(A) an individual, business, or organization that applies for disaster assistance from
27 a disaster assistance program;

28 “(B) an individual, business, or organization on behalf of which an individual
29 described in subparagraph (A) applies for disaster assistance from a disaster assistance
30 program; and

31 “(C) an individual, business, or organization that seeks assistance as a beneficiary of
32 a State, local government, or Indian tribal government that received assistance under a
33 disaster assistance program.

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

35 “(A) the Federal Emergency Management Agency; and

36 “(B) any Federal agency that provides disaster assistance to individuals, businesses,
37 organizations, States, local governments, Indian tribal governments, communities, or
38 organizations that the Administrator certifies as a disaster assistance agency in

1 accordance with subsection (f) to carry out the purposes of a disaster assistance
2 program.

3 “(4) DISASTER ASSISTANCE INFORMATION.—The term ‘disaster assistance information’
4 includes any personal, biographical, demographic, geographical, financial, application
5 decision, or other information that a disaster assistance agency, or a recipient of a Federal
6 block grant from a disaster assistance agency, is authorized to collect, maintain, disclose, or
7 use to—

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

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

11 “(5) DISASTER ASSISTANCE PROGRAM.—The term ‘disaster assistance program’ means—

12 “(A) a program that provides disaster assistance to individuals and households under
13 title IV or V in accordance with sections 408 and 502; or

14 “(B) any other assistance program authorized by a Federal statute or funded with
15 Federal appropriations under which a disaster assistance agency awards or distributes
16 disaster assistance to an individual, household, or organization, or provides a Federal
17 block grant for these purposes, that arises from a major disaster or emergency declared
18 under section 401 or 501, respectively, including—

19 “(i) disaster assistance;

20 “(ii) long-term disaster recovery assistance;

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

22 “(iv) post-disaster economic revitalization;

23 “(v) a loan authorized under section 7(b) of the Small Business Act (15 U.S.C.
24 636(b)); and

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

27 “(6) RECORD.—The term ‘record’ has the meaning given the term in section 552a of title
28 5, United States Code.

29 “(b) Unified Disaster Assistance Intake Process and System.—

30 “(1) IN GENERAL.—Not later than 360 days after the date of enactment of this section, the
31 Administrator shall, in consultation with appropriate Federal, State, local, and Indian tribal
32 governments and entities, develop and establish a unified intake process and system for
33 applicants for disaster assistance provided by a disaster assistance agency to—

34 “(A) facilitate a consolidated application for any form of disaster assistance
35 provided by a disaster assistance agency when appropriate to support the nature and
36 purposes of the assistance;

37 “(B) carry out the purposes of disaster assistance programs swiftly, efficiently,
38 equitably, and in accordance with applicable laws and privacy and data protections;
39 and

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

3 “(2) CAPABILITIES OF THE CONSOLIDATED APPLICATION SYSTEM.—The unified intake
4 process and system established under paragraph (1) shall—

5 “(A) accept applications for disaster assistance programs;

6 “(B) allow for applicants to receive status updates on applications for disaster
7 assistance programs;

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

10 “(D) allow for the distribution of information on additional recovery resources to
11 disaster survivors that may be available in a disaster-stricken jurisdiction, in
12 coordination with appropriate Federal, State, local, and Tribal partners;

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

15 “(F) allow for the distribution of application data to support faster and more
16 effective distribution of Federal disaster assistance, including block grant assistance,
17 for disaster recovery;

18 “(G) allow for disaster assistance agencies to communicate directly with disaster
19 survivors; and

20 “(H) contain other capabilities determined necessary by the heads of disaster
21 assistance agencies.

22 “(3) UPDATES.—Not later than 30 days after the date on which the Administrator receives
23 a request from a disaster assistance agency to update questions in the consolidated
24 application described in paragraph (1) needed to administer the disaster assistance programs
25 of the disaster assistance agency, the Administrator shall make those updates.

26 “(c) Authorities of Administrator.—The Administrator may—

27 “(1) collect, maintain, disclose, and use disaster assistance information, including such
28 information received from any disaster assistance agency, with any other disaster assistance
29 agency for purposes of subsection (b)(1); and

30 “(2) subject to subsection (d), authorize the collection, maintenance, disclosure, and use
31 of disaster assistance information collected on or after the date of enactment of this section
32 by publishing a notice on a public website that—

33 “(A) includes a detailed description of—

34 “(i) the specific disaster assistance information authorized to be collected,
35 maintained, disclosed, and used;

36 “(ii) why the collection, maintenance, disclosure, or use of the disaster
37 assistance information is necessary to carry out the purpose of a disaster
38 assistance program;

39 “(iii) how the collection, maintenance, disclosure, and use of disaster assistance

1 information incorporates fair information practices; and

2 “(iv) the disaster assistance agencies that will be granted access to the disaster
3 assistance information to carry out the purpose of any disaster assistance program;
4 and

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

9 “(d) Collection and Sharing of Records and Information.—

10 “(1) EFFECT OF PUBLICATION OF NOTICE ON PUBLIC WEBSITE.—The publication of a notice
11 by the Administrator on a public website of a revision to the system of records of the
12 unified intake process and system established under subsection (b)(1) prior to any new
13 collection, maintenance, disclosure, or use of records to carry out the purposes of a disaster
14 assistance program with respect to a major disaster or emergency declared by the President
15 under section 401 or 501, respectively, of this Act shall be deemed to satisfy the notice and
16 publication requirements of section 552a(e)(4) of title 5, United States Code, for the entire
17 period of performance for any assistance provided under a disaster assistance program.

18 “(2) PAPERWORK REDUCTION ACT WAIVER.—

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

25 “(B) DURATION.—A waiver described in subparagraph (A) shall be in effect for the
26 entire period of performance for any assistance provided under a disaster assistance
27 program with respect to a declared major disaster or emergency.

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

30 “(i) promptly post on a public website—

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

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

33 “(ii) update the information posted under clause (i), as applicable; and

34 “(iii) comply with the requirements of subchapter I of chapter 35 of title 44,
35 United States Code (commonly known as the ‘Paperwork Reduction Act’) upon
36 the expiration of the period of performance of any assistance provided under a
37 disaster assistance program if the collection of information may be utilized for the
38 purposes of supporting the disaster assistance program in future major disaster or
39 emergency declarations.

40 “(D) EFFECTIVENESS OF WAIVER.—Any waiver under subparagraph (A) shall take

1 effect on the date on which the Administrator posts information on the internet website
2 as provided for under subparagraph (C).

3 “(e) Data Security.—The Administrator shall facilitate the collection of disaster assistance
4 information into a unified application only after—

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

8 “(2) the Secretary of Homeland Security publishes a privacy impact assessment for the
9 unified application that is similar to the privacy assessment conducted under section
10 208(b)(1)(B) of the E-Government Act of 2002 (44 U.S.C. 3501 note); and

11 “(3) the Administrator, in consultation with disaster assistance agencies, publishes
12 standard rules of behavior for disaster assistance agencies and personnel granted access to
13 disaster assistance information to protect such information from improper disclosure.

14 “(f) Certification of Disaster Assistance Agencies.—

15 “(1) IN GENERAL.—The Administrator may certify a Federal agency as a disaster
16 assistance agency after posting an agreement between the Administrator and the Federal
17 agency on a public website that contains the detailed terms of the agreement.

18 “(2) CONTENTS OF AGREEMENT.—An agreement between the Administrator and a Federal
19 agency described in paragraph (1) shall state that the Federal Emergency Management
20 Agency and the Federal agency will—

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

23 “(i) this section; and

24 “(ii) subject to subsection (i)(2), any existing policies of the Federal Emergency
25 Management Agency and the Federal agency for information protection and use;

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

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

29 “(i) not later than 24 hours after discovering the unauthorized disclosure—

30 “(I) in the case of an unauthorized disclosure by the Federal agency, notify
31 the Administrator of the disclosure; and

32 “(II) in the case of an unauthorized disclosure by the Federal Emergency
33 Management Agency, notify disaster assistance agencies of the disclosure;

34 “(ii) cooperate fully with the Administrator and disaster assistance agencies in
35 the investigation and remediation of the disclosure; and

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

38 “(D) assume responsibility for any compensation, civil liability, or other remediation
39 measure awarded by a judgment of a court or agreed upon as a compromise of any

1 potential claim by or on behalf of an applicant, including by obtaining credit
2 monitoring and remediation services, for an improper disclosure of disaster assistance
3 information that is—

4 “(i) caused, directly or indirectly, by the acts or omissions of an officer,
5 employee, or contractor of the Federal agency; or

6 “(ii) from any electronic system of records that was created or maintained by
7 the Federal agency pursuant to section 552a(e) of title 5, United States Code.

8 “(g) Reports.—

9 “(1) FEMA.—Not later than 1 year after the date of enactment of this section, and every
10 year thereafter for 2 years, the Administrator, in coordination with the heads of disaster
11 assistance agencies, shall submit to Congress a report on the implementation of this section,
12 including—

13 “(A) how disaster assistance agencies are working together to implement the
14 requirements under this section;

15 “(B) the effect of this section on disaster survivor burden and the speed and
16 efficiency of delivering disaster assistance; and

17 “(C) a description of any other challenges that require further legislative action.

18 “(2) GAO.—Not later than 3 years after the date of enactment of this section, the
19 Comptroller General of the United States shall submit to Congress a report on how the
20 implementation of this section has affected the disaster survivor experience, and any
21 recommendations for improvements to the requirements under this section.

22 “(h) Briefings.—Not later than 90 days after the date of enactment of this section, and again
23 not later than 180 days after the date of enactment of this section, the Administrator shall brief
24 Congress on—

25 “(1) the status of the implementation of the requirements under this section; and

26 “(2) how disaster assistance agencies are working together to implement the requirements
27 under this section.

28 “(i) Rules of Construction.—

29 “(1) INAPPLICABILITY OF MATCHING PROGRAM PROVISIONS.—The disclosure and use of
30 disaster assistance information subject to the requirements of section 552a of title 5, United
31 States Code, among disaster assistance agencies or with State, local, or Tribal governments
32 carrying out disaster assistance programs shall not—

33 “(A) be construed as a matching program for the purpose of section 552a(a)(8) of
34 title 5, United States Code; or

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

37 “(2) AUTHORITIES IN OTHER LAWS.—Nothing in this section shall be construed to affect
38 the authority of an entity to share disaster assistance information regarding programs funded
39 or facilitated by the entity in accordance with any other law or agency policy.

1 “(3) APPLYING TO MULTIPLE PROGRAMS.—Nothing in this section shall be construed to
2 require an applicant to apply to more than 1 disaster assistance program.”.