

Calendar No. 505

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-163 }

DISASTER ASSISTANCE SIMPLIFICATION
ACT OF 2022

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

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



SEPTEMBER 27, 2022.—Ordered to be printed

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DISASTER ASSISTANCE SIMPLIFICATION ACT OF 2022

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4599]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (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, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 4599, the Disaster Assistance Simplification Act, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to allow the Federal Emergency Management Agency (FEMA) to share information on disaster survivors with other federal agencies to simplify recovery efforts and reduce the burden on survivors after a disaster. The bill directs FEMA to implement a universal application for disaster victims so that they will no

longer be required to submit multiple applications to different federal agencies, which often times ask duplicative questions and require unnecessary administrative burden on applicants, for assistance. The bill also requires all information sharing practices to meet applicable data security standards and best practices.

II. BACKGROUND AND THE NEED FOR LEGISLATION

After a disaster, there are various types of federal assistance that may be made available to disaster survivors.¹ FEMA's Individuals and Households Program can provide financial and/or direct assistance for housing, as well as financial assistance for other needs to eligible individuals and households who have uninsured or under-insured necessary expenses and serious needs resulting from an emergency or major disaster.² The Small Business Administration's (SBA) Real Property Disaster Loans and Personal Property Loans are available to eligible homeowners and renters who have incurred uninsured or under-insured damage to their home or personal property located in a declared disaster area.³ The Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery program may provide significant additional funding to communities for unmet long-term disaster recovery needs, including unmet housing needs for low- and moderate-income individuals.⁴ Finally, the Department of Agriculture's (USDA) Disaster Supplemental Nutrition Assistance Program provides temporary food assistance for households affected by a natural disaster.⁵

At present, because of restrictions on information sharing between federal entities, each application for assistance requires a separate and detailed process that can take weeks or even months to complete.⁶ The burden of these multiple, duplicative applications can overwhelm some survivors, causing many to simply give up accessing desperately needed assistance. An analysis from SBP, a nonprofit focused on disaster recovery, found that more than 50 percent of the questions asked as part of FEMA's disaster assistance application and SBA's disaster assistance application are duplicative.⁷ The burden of navigating multiple protracted applications can be overwhelming to survivors working to rebuild after a disaster, and can sometimes discourage survivors from seeking needed assistance.

Disaster assistance agencies should work together to coordinate a unified, integrated, and agile approach that will provide support to survivors immediately after unpredictable catastrophic disasters strike. Current federal privacy and information collection policies and procedures complicate these agencies' ability to coordinate dis-

¹Federal Emergency Management Agency, Assistance (<https://www.fema.gov/assistance>) (accessed August 11, 2022).

²Federal Emergency Management Agency, Individual Programs (<https://www.fema.gov/assistance/individual/program>) (accessed August 11, 2022).

³Small Business Administration, Home and Property Disaster Loans (<https://www.govloans.gov/loans/home-and-property-disaster-loans/>) (accessed August 11, 2022).

⁴U.S. Department of Housing and Urban Development, Community Development Block Grant Disaster Recovery Program (https://www.hud.gov/program_offices/comm_planning/cdbg-dr) (accessed August 11, 2022).

⁵U.S. Department of Agriculture, Disaster Supplemental Nutrition Agency Program (<https://www.disasterassistance.gov/get-assistance/forms-of-assistance/5769>) (accessed August 11, 2022).

⁶Information provided to the committee by FEMA through email on May 19, 2022; SBP, Advocate (<https://sbpusa.org/what-we-do/advocate>) (accessed August 11, 2022).

⁷SBP, Advocate (<https://sbpusa.org/what-we-do/advocate>) (accessed August 11, 2022).

aster assistance effectively and increases burdens on survivors. This legislation requires that FEMA synthesize separate disaster assistance applications into one universal platform, the online Consolidated Application System, which will reduce administrative burden on agencies and improve equitable recovery for survivors.

III. LEGISLATIVE HISTORY

Chairman Gary Peters (D–MI) introduced S. 4599, the Disaster Assistance Simplification Act, on July 21, 2022, with Senator James Lankford (R–OK). The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 4599 at a business meeting on August 3, 2022. During the business meeting, Senators Peters and Lankford offered a substitute amendment that made technical edits and clarified FEMA’s waiver authorities. The substitute amendment was adopted *en bloc* by voice vote with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present for the vote. Senator Portman offered an amendment that struck specific entities from the list of disaster agencies in the federal government and instead required FEMA to designate additional agencies as disaster assistance agencies. The amendment was adopted *en bloc* by voice vote with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present for the vote.

The Committee ordered the bill, as amended, to be favorably reported by voice vote *en bloc*. Senators present for the vote were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section designates the name of the bill as the “Disaster Assistance Simplification Act.”

Section 2. Findings and purpose

Subsection (a) identifies the findings of Congress related to the delivery and execution of disaster assistance and response. Subsection (a) also finds that Section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”) and subchapter 1 of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), require burdensome review processes that hinder interagency coordination and disaster assistance efforts.

Subsection (b) states that the purpose of the legislation is 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 current law, and the agency policies that implement those authorities to improve the speed, convenience, efficiency, and effectiveness of disaster relief programs.

Section 3. Establishment of DisasterAssistance.gov electronic information system

This section amends the Stafford Act by inserting a new section 707 that establishes a DisasterAssistance.gov electronic information system.

Section 707, subsection (a) defines the terms “Administrator,” “Applicant,” “DisasterAssistance.Gov,” “Disaster Assistance Agency,” “Disaster Assistance Information,” “Disaster Assistance Program,” and “Record.”

Section 707, subsection (b) requires the FEMA Administrator to establish a website with the domain name DisasterAssistance.gov within 180 days of this bill’s enactment. Furthermore, subsection (b) requires DisasterAssistance.gov to provide applicants with the option to receive status updates on applications for their disaster assistance programs through DisasterAssistance.gov. Additionally, subsection (b) details additional capabilities of DisasterAssistance.gov’s application system.

Section 707, subsection (c) provides the FEMA Administrator with discretion to collect, maintain, share, and use disaster assistance information, including information received from any disaster assistance agency, with other disaster assistant agencies. Subsection (c) also lays out requirements for a notice published on DisasterAssistance.gov, pursuant to subsection (d) of Section 707 (as provided in this bill), including a detailed description of the information being collected, why the collection of information is necessary to execute the purpose of a disaster assistance program, and assurance that the information being collected is consistent with fair information practice principles.

Section 707, subsection (d) describes the requirements for a notice to be published on DisasterAssistance.gov. Additionally, subsection (d) allows the FEMA Administrator to waive certain requirements of the Paperwork Reduction Act and delineates the conditions under which the waiver may be exercised by the FEMA Administrator.

Section 707, subsection (e) outlines a set of requirements that the FEMA Administrator must satisfy prior to the collection of disaster assistance information via DisasterAssistance.gov. The FEMA Administrator must (1) certify DisasterAssistance.Gov complies with data security standards established pursuant to subchapter II of chapter 35 of title 44, United States Code; (2) coordinate with the Secretary of Homeland Security to obtain their privacy impact assessment for DisasterAssistance.gov; and (3) publish standard rules of behavior for disaster assistance agencies and personnel granted access to disaster assistance information so as to ensure there are no improper information disclosures.

Section 707, subsection (f) allows the FEMA Administrator to designate another federal agency as a disaster assistance agency after posting terms of the agreement between the FEMA administrator and a federal agency onto the DisasterAssistance.gov website.

Section 707, subsection (g) is a rule of construction that provides that the sharing of disaster assistance information subject to requirements in current law among disaster agencies or with state, local, or tribal governments shall not be construed as a matching program for the purpose of section 552(a)(8) of title 5, United

States Code, nor shall they be subject to certain subsections of section 552a of title 5, United States Code. Additionally, subsection (g) states that nothing in section 707 can affect the authority of an entity to share information in accordance with any other law.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 21, 2022.

Hon. GARY PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 4599, the Disaster Assistance Simplification Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 4599, Disaster Assistance Simplification Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on August 3, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	36	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 4599 would require the Federal Emergency Management Agency (FEMA) to improve its website, DisasterAssistance.gov, which provides information for individuals, households, and busi-

nesses seeking access to federal disaster assistance. Many federal agencies provide information on the portal about the assistance that is available, but the website only allows applicants to apply for one FEMA program and has limited capacity for information sharing among participating agencies.

S. 4599 would require FEMA to streamline the application process by allowing individuals and businesses to apply for all available disaster assistance and to facilitate the sharing of applicant information among participating agencies. Under the bill, the portal would need to meet certain functionality requirements, such as protecting data privacy and facilitating agencies' ability to detect fraud and discrimination in the administration of assistance programs.

In 2022, FEMA allocated about \$11 million for the website, mostly for contracts with private vendors to operate the portal and supporting systems.

Using information provided by FEMA about the portal's current functionality, CBO expects that the agency would need to contract for additional technology services to develop new user interfaces and information sharing mechanisms and to enhance the website's capacity to manage, store, and secure data. CBO estimates those costs would total \$34 million over the 2022–2027 period, with most of that cost occurring in 2024 and 2025. In addition, we estimate that FEMA would need \$2 million over that period for the equivalent of three full-time employees—at an average annual cost of \$160,000—over the first three years after enactment, and two employees beginning in 2026, to oversee contractors and coordinate work on the portal among participating agencies. In total, CBO estimates that implementing the bill would cost \$36 million over the 2023–2027 period, assuming appropriation of the estimated amounts.

The costs of the legislation, detailed in Table 1, fall within budget function 450 (community and regional development).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 4599

	By fiscal year, millions of dollars—						
	2022	2023	2024	2025	2026	2027	2022–2027
Estimated Authorization	0	4	12	13	4	4	37
Estimated Outlays	0	4	11	12	5	4	36

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in *roman*):

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE VII—MISCELLANEOUS

* * * * *

SEC. 707. ESTABLISHMENT OF DISASTERASSISTANCE.GOV ELECTRONIC INFORMATION SYSTEM.

(a) *DEFINITIONS.—In this section:*

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

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

(A) *an individual or organization that applies for disaster assistance from a disaster assistance program; and*

(B) *an individual or organization on behalf of which an individual described in subparagraph (A) applies for disaster assistance from a disaster assistance program.*

(3) *DISASTERASSISTANCE.GOV.—The term ‘DisasterAssistance.gov’ means the electronic information system established under subsection (b)(1).*

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

(A) *the Federal Emergency Management Agency; and*

(B) *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, employee, or contractor of the disaster assistance agency; or

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

(g) *RULES OF CONSTRUCTION.*—

(1) *INAPPLICABILITY OF MATCHING PROGRAM PROVISIONS.*—*The sharing of disaster assistance information 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 programs shall not—*

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

(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 authority of an entity to share information in accordance with any other law.*

* * * * *

