

DEPARTMENT OF HOMELAND SECURITY Office of Inspector General

Improvements to Information Sharing
are Needed to Facilitate Law
Enforcement Efforts During Disasters



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Washington, DC 20528



**Homeland
Security**

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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibility to promote economy, efficiency, and effectiveness within the department.

This report addresses the extent to which information sharing processes and procedures can be enhanced to better assist law enforcement efforts during disasters. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and analyses of applicable documents.

The recommendations herein have been developed according to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
HHS	U.S. Department of Health and Human Services
HUD	U.S. Department of Housing and Urban Development
OIG	Office of Inspector General
USDA	U.S. Department of Agriculture

OIG

*Department of Homeland Security
Office of Inspector General*

Executive Summary

Law enforcement efforts to provide public safety and security, and detect disaster assistance fraud, are complicated by: (1) Federal Emergency Management Agency (FEMA) concerns about improperly disclosing Privacy Act-protected information; and (2) the Computer Matching and Privacy Protection Act, which prevents federal Inspectors General from expeditiously conducting computer matches among recipients of disaster assistance.

Law enforcement agencies were not given direct access to FEMA disaster recovery assistance files to locate missing children, sex offenders, and fugitive felons following Hurricane Katrina. Instead, to obtain FEMA disaster recovery assistance files, the Federal Bureau of Investigation (FBI), the New Orleans District Attorney's Office, and state and local law enforcement agencies were required to follow a time-consuming process, according to the Privacy Act's general law enforcement exception. FEMA took 5 to 12 days, on average, and as many as 35 days, to fulfill law enforcement requests for critical information in support of public safety and security efforts. On March 1, 2006, or seven months after Katrina made landfall, the Department of Homeland Security (DHS) and the Department of Justice (DOJ) executed an agreement that provides law enforcement officials direct access to FEMA disaster recovery assistance files for fraud investigations. Also, on January 8, 2007, DHS and DOJ executed an agreement for the purpose of locating missing children displaced due to disasters. However, DHS and DOJ have not established an arrangement that provides law enforcement with direct access to FEMA disaster recovery assistance files for all public safety and security needs, such as identifying the whereabouts of registered sex offenders and fugitive felons following a disaster.

The Computer Matching and Privacy Protection Act prevented proactive fraud investigations by federal Inspectors General because it required a time-consuming review and approval process before computer matching could be performed. Computer matching to identify fraud following a disaster is crucial to mitigate recurring improper payments and to recover improperly disbursed funds. Only the U.S. Congress has the authority to exempt federal law enforcement agencies, including the Inspectors General, from the Computer Matching and Privacy Protection Act to support their efforts to identify and prevent fraud, waste, and abuse. Such an exemption would greatly facilitate the efforts of the federal law enforcement community to obtain and analyze federal disaster assistance records and identify those who attempt to defraud the government.

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We are recommending that the Administrator of the Federal Emergency Management Agency:

1. Add specific routine uses to the System of Records Notice that authorizes the disclosure of FEMA disaster recovery assistance files for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster.
2. Develop and execute agreements with DOJ, the coordinator for *Public Safety and Security* under the National Response plan, to provide appropriate law enforcement entities direct access to FEMA disaster recovery assistance files for public safety and security efforts, including identifying the whereabouts of registered sex offenders and fugitive felons.
3. Collaborate with DOJ to develop protocols, procedures, and processes to facilitate the appropriate sharing of information from FEMA disaster recovery assistance files among federal, state, local, and tribal law enforcement agencies that are responsible for ensuring public safety and security following a disaster.

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Background

Hurricane Katrina struck the Gulf Coast in August 2005 and was the most destructive natural disaster in the history of the United States. It displaced hundreds of thousands of Gulf Coast residents, from the extremely vulnerable to the extremely dangerous. Among the displaced were approximately 5,000 missing children, more than 2,000 unaccounted registered sex offenders, and a multiplicity of fugitive felons.

Congress provided approximately \$82 billion dollars to multiple federal agencies for Gulf Coast disaster response and recovery. In the area of housing alone, there were four primary agencies that provided housing assistance: DHS, U.S. Department of Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA), and U.S. Department of Health and Human Services (HHS). A recent USDA audit revealed that more than 44% of disaster victims received housing assistance from more than one federal agency. Furthermore, the Government Accountability Office estimated that DHS improperly disbursed between \$600 million and \$1.4 billion disaster assistance after Hurricanes Katrina and Rita.

The National Response Plan was implemented during Hurricane Katrina to deliver and apply federal resources and capabilities in support of the state and local government response. The National Response Plan is a comprehensive, national, all-hazards approach to domestic incident management across a spectrum of activities including prevention, preparedness, response, and recovery. It is meant to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management.

DHS is responsible for coordinating federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. DHS is also responsible for coordinating federal resources used in the prevention of, preparation for, response to or recovery from terrorist attacks, major disasters, or other emergencies. At the time of Hurricane Katrina, DHS was a coordinator, along with the DOJ, for the National Response Plan's Emergency Support Function Thirteen – *Public Safety and Security*.

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The National Response Plan's Emergency Support Function Thirteen – *Public Safety and Security* is intended to be the coordinating mechanism for providing federal-to-federal support or federal support to state and local authorities with respect to public safety and security capabilities and resources. It generally is activated in situations requiring extensive assistance to provide public safety and security and where state and local government resources are overwhelmed or are inadequate. According to the White House report regarding the federal response to Hurricane Katrina, law and order in New Orleans began to deteriorate almost immediately following Hurricane Katrina's landfall. The city's police were overwhelmed and federal law enforcement was ill-prepared and ill-positioned to respond efficiently and effectively to the crisis.

The National Response Plan was updated in May 2006 and DHS was removed as a coordinator for Emergency Support Function Thirteen – *Public Safety and Security*, but remains a support agency responsible for providing data for operations that reside within DHS, such as FEMA disaster recovery assistance files. FEMA became part of DHS on March 1, 2003.

FEMA's mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. Under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, FEMA provides financial assistance and, if necessary, direct services to eligible individuals and households who, as a direct result of a major disaster, have necessary expenses and serious needs and are unable to meet such expenses or needs through other means. Information collected from individuals applying for FEMA assistance is maintained in a system of records known as FEMA disaster recovery assistance files.

Results of Audit

Public Safety and Security

The FBI, New Orleans District Attorney's Office, state and local law enforcement agencies, and others responsible for public safety and security in the aftermath of Hurricane Katrina were not given direct access to FEMA disaster recovery assistance files to locate missing children, registered sex offenders, and fugitive felons. Direct access permits law enforcement to view FEMA files independently and instantly, in the performance of official duties. FEMA disaster recovery assistance files consist of Privacy Act-protected information provided by the applicant to obtain federal disaster assistance, such as the applicant's name, social security number, and income information. Instead of direct access to FEMA disaster recovery assistance files, law enforcement was required to follow a protracted process to obtain this information under the general law enforcement exception to the Privacy Act. FEMA took 5 to 12 days on average to provide law enforcement with the information needed to aid public safety and security efforts, once FEMA received and approved the request.

FEMA, in its August 2006 "After Action Report" on Hurricane Katrina, noted frustrations with information sharing among those directly involved with relief efforts. One individual commented, "Privacy Act prohibitions on sharing applicant data made it impossible to work together on resolution to issues ...DHS/FBI/FEMA/State coordination is essential relative to evacuees who committed crimes." Another participant stated that, "Either the [Privacy] Act itself, or our interpretation of the Act needs to be reconsidered. We must have the ability to share information with state and local partners, as well as other federal partners. I think we are too restrictive in our internal interpretation of the Act."

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DHS and DOJ did not resolve law enforcement's need for direct access to FEMA disaster recovery assistance files following Hurricane Katrina, even though at the time both were coordinating agencies for the National Response Plan's Emergency Support Function Thirteen, *Public Safety and Security*. FEMA faced intense criticism for denying or delaying law enforcement agencies' access to FEMA disaster recovery assistance files to pursue public safety and security investigations.

DHS and DOJ executed a memorandum of agreement in March 2006 that provided law enforcement officials direct access to FEMA disaster recovery assistance files solely for fraud investigations. FEMA determined that this arrangement was permissible according to the Privacy Act and was compatible with FEMA's routine use for its disaster recovery assistance files. Routine uses are specified purposes for which federal agencies may disclose information contained in a Privacy Act-protected system of records. However, FEMA did not believe that it could disclose information to law enforcement for public safety and security investigations, such as missing children cases, under the routine uses contained in its November 2004 System of Records Notice. (See Appendix C for FEMA's November 2004 System of Records Notice and the routine uses for FEMA disaster recovery assistance files in effect during Hurricane Katrina.)

Access to FEMA Information

FEMA officials told us that they did not provide law enforcement direct access to FEMA disaster recovery assistance files for public safety and security in the aftermath of Hurricane Katrina because they were concerned about improperly disclosing Privacy Act-protected information. The Privacy Act of 1974 is characterized as an omnibus code of fair information practices that regulates the collection, maintenance, use, and dissemination of personal information by federal executive branch

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agencies. It requires each agency to publish in the Federal Register a description of their systems of records and routine uses to make recordkeeping practices transparent, to notify individuals about the use of their personal information, and to assist individuals in finding such files maintained by the agency.

In lieu of law enforcement's direct access to FEMA disaster recovery assistance files, FEMA's Chief Counsel issued a memorandum in October 2005 that described the criteria and process that law enforcement agencies must fulfill to receive FEMA disaster recovery assistance files under the Privacy Act's general law enforcement exception. (Appendix D contains FEMA's guidance regarding a law enforcement agency's request for FEMA records under the Privacy Act.) The process is as follows:

1. The request must be made in writing to FEMA Counsel.
2. The written request must come from the head of the requesting agency or an appropriate designee for the head of that agency.
3. The written request must: (a) state the specific criminal or law enforcement activity and the legal basis for that activity for which the agency is seeking information; (b) identify the specific persons about whom the law enforcement agency is seeking information; and (c) identify the specific information about the listed persons that the law enforcement agency wants to receive.
4. The memorandum further states: "If the written request does not address *all* of these requirements it is *not* a sufficient request, and we cannot process it."

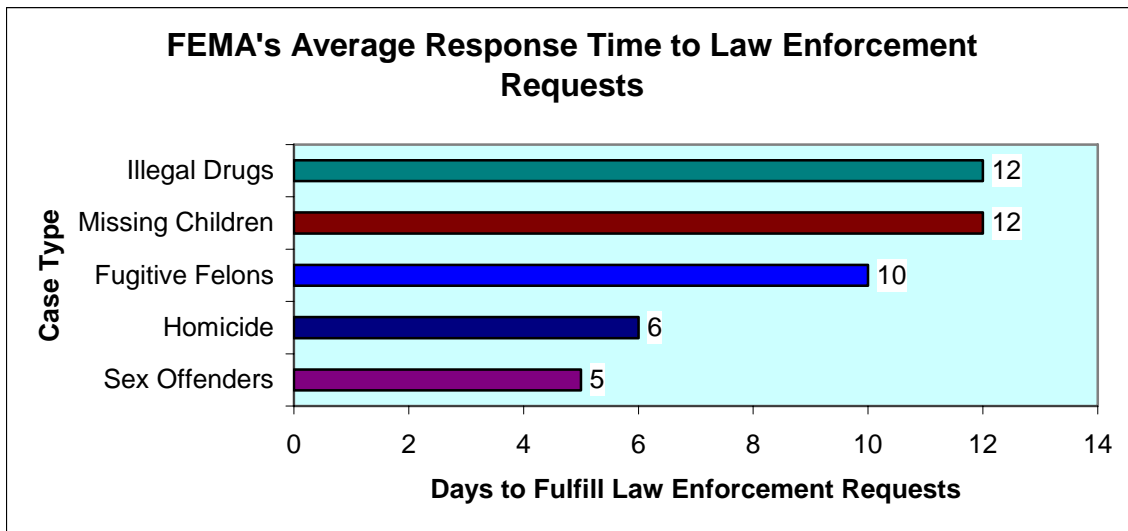
FEMA told us that, in responding to information-sharing requests, a careful balance needs to be struck between protecting applicants' privacy interests and other equally important purposes, including law enforcement inquiries. FEMA said it received numerous requests from law enforcement agencies that could not be fulfilled because the requests were not legally sufficient or did not demonstrate a violation or potential

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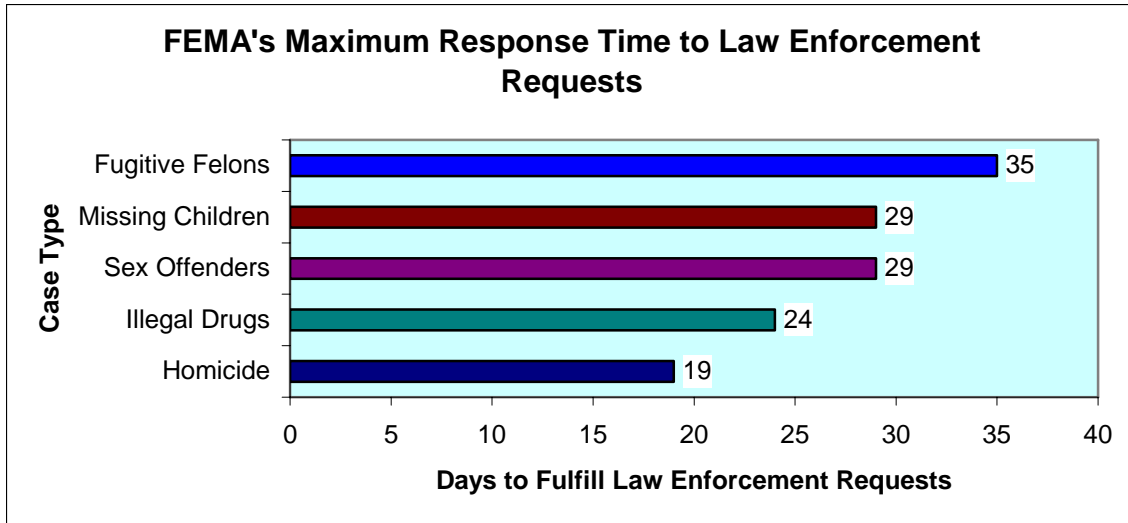
violation of law. FEMA said it successfully responded to approximately 216 law enforcement requests. However, the process FEMA employed to respond to requests significantly delayed law enforcements' access to information.

Law Enforcement Requests

FEMA took 5 to 12 days, on average, and as many as 35 days to respond to law enforcement requests for information to locate missing children and to pursue sex offenders and fugitive felons. The following graphs illustrate FEMA's average response times for law enforcement requests based upon data provided to us by FEMA Office of Chief Counsel in September 2006.



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It took over 6 months for the FBI and the National Center for Missing and Exploited Children to resolve all Hurricane Katrina missing children cases. The FBI agent investigating missing children cases following Hurricane Katrina told us that it was, “burdensome and next to impossible to get access to FEMA data,” noting that the FBI could not, “receive information in a timely fashion.” For example, the FBI requested FEMA disaster recovery assistance files to locate missing children on April 20, 2006, and the request was fulfilled 29 days later, on May 19, 2006. According to crime statistics relating to child abduction cases where the child is murdered, 99% are killed within the first 24 hours. The FBI agent told us that direct access to FEMA disaster recovery assistance files was needed to facilitate public safety and security investigations, particularly those involving missing children.

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Disclosure of FEMA Disaster Recovery Assistance Files

DHS and FEMA could have arranged for the timely disclosure of FEMA disaster recovery assistance files to law enforcement following Hurricane Katrina for the purpose of locating missing children, sex offenders, and fugitive felons. Specifically, DHS and FEMA could have expedited information sharing through use of the Health or Safety exception to the Privacy Act and by promptly adding routine uses to its System of Records Notice to authorize the release of information for public safety and security investigations.

The Health or Safety exception to the Privacy Act allows for the immediate disclosure of records under compelling circumstances affecting an individual's health or safety. We asked FEMA why the Health or Safety exception was not used to disclose information to assist law enforcement in locating missing children, and FEMA said that this exception was used where appropriate. FEMA used the Health or Safety exception to provide the U.S. Postal Service with the current contact information of their evacuated employees so that they could determine that they were safe and inform them of their health and pay benefits. Additionally, FEMA provided information to the U.S. Postal Service for the purpose of forwarding mail to displaced Gulf Coast customers.

FEMA could have added routine uses to its System of Records Notice to authorize the release of information for public safety and security investigations in as few as 40 days, according to statutory and regulatory guidelines. We asked FEMA why a routine use for public safety and security was not added promptly to its System of Records Notice following Hurricane Katrina, and FEMA told us it had very limited resources and was focused on accomplishing its mission to process

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requests for disaster assistance. Had a routine use been added to allow the release of information to locate missing children, sex offenders, and fugitive felons, DHS and DOJ could have executed an agreement that would have provided law enforcement direct access to FEMA disaster recovery assistance files for these purposes.

Direct Access for Public Safety and Security

DHS and DOJ have yet to make the necessary arrangements to provide federal, state, local, and tribal law enforcement direct access to FEMA disaster recovery assistance files to identify the whereabouts of registered sex offenders and fugitive felons in the aftermath of a disaster. Following Hurricane Katrina, FEMA denied repeated requests from the Mississippi State Police for the passenger list of the Carnival cruise ship Holiday. The cruise ship Holiday was used as a temporary shelter for Hurricane Katrina victims.

The Mississippi State Police wanted the Holiday's passenger list to determine if any of the area's 200 missing sex offenders were residing in the shelter. A September 2005 email from a FEMA Field Attorney explained DHS' position on disclosing such information:

The manifest information of each Katrina Disaster victim (name and date of birth) provided to Carnival Cruise Line by FEMA is solely provided for purposes of making appropriate cabin assignments. Accordingly, there is no blanket authorization for Carnival to provide the list to police without an express written release from each of passengers to whom the record pertains, or pursuant to a routine use, or pursuant to a Privacy Act of 1974 (Privacy Act) exception. A law enforcement request exception to the Privacy Act requires that the police have some evidence of a violation of a law. Blanket screening

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of passengers for criminal backgrounds would not meet this threshold and release of the manifest information is not related to the provision of disaster assistance for the passengers as within an appropriate routine use. This issue has been raised to the DHS Privacy Office Counsel which agrees that such blanket releases of information to law enforcement are not authorized.

The Mississippi State Police did not agree with this reasoning. They maintained that criminal convictions are a matter of public record and that checking the passenger list for occupants with criminal convictions would be prudent and reasonable to ensure public safety and security.

A federal employee working on the Holiday reported in October 2005 that, "A pedophile had just been removed from the Holiday a second time. After removal from the ship the first time, he was allowed to board again. He was observed by ship security to be around the video arcade and teen lounge, and observed touching young girls."

This federal employee, the following month, received additional instructions for the release of passenger information: "law enforcement needs to provide in writing their statutory authority to obtain any information, and a list of names they want checked as sex offenders or wanted fugitives. In other words, we can check any names they give us against our manifest, but cannot give them a manifest to check against their database."

A senior official with the Louisiana State Police told us that they were also denied access to FEMA disaster recovery assistance files for individuals residing in FEMA's temporary housing sites. He said that not having access to this information affected their ability to ensure the safety of the shelter and surrounding communities. This issue was deemed of such great importance that Louisiana enacted a law that now requires each shelter to notify law enforcement of any evacuee who is a registered sex

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offender. The law was so widely supported that it passed the Louisiana Legislature without a single “No” vote. However, the Louisiana State Police official acknowledged that this law does not compel the federal government or FEMA to share information.

Steps to Improve Information Sharing

Steps have been taken to improve information sharing since Hurricane Katrina, but arrangements to provide law enforcement direct access to FEMA disaster recovery assistance files for all public safety and security efforts have not been established. Additionally, the protocols, procedures, and processes for sharing public safety and security information among federal, state, local, and tribal law enforcement have not been developed by either DHS or DOJ.

FEMA has provided the Hurricane Katrina Fraud Task Force direct access to FEMA disaster recovery assistance files for the purpose of investigating fraud. The Hurricane Katrina Fraud Task Force was established in September 2005 to deter, detect, and prosecute instances of fraud related to Hurricane Katrina. Task members include the DOJ, United States Attorneys' Offices, the FBI, federal Inspectors General, and various representatives of state and local law enforcement. FEMA told us they could provide the Hurricane Katrina Fraud Task Force direct access to FEMA disaster recovery assistance files because FEMA's November 2004 System of Records Notice contained a routine use that was applicable to fraud.

In July 2006, nearly 1 year after Hurricane Katrina, FEMA added a routine use to its system of records notice for the purpose of locating missing children, reuniting families, and addressing public safety and security matters. The addition of these routine uses facilitates the release of FEMA

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disaster recovery assistance files to federal agencies, state and local governments, or law enforcement entities in the event of circumstances involving an evacuation, sheltering, or mass relocation, and for purposes of identifying and addressing public safety and security issues, but they do not provide direct access. Furthermore, the July 2006 System of Records Notice does not explicitly authorize the disclosure of records for purposes of locating sex offenders and fugitive felons. Doing so would remove ambiguity and obviate the need to rely on the Privacy Act's law enforcement exception, with its protracted procedural requirements for the release of information. (Appendix E contains FEMA's July 2006 System of Records Notice and the revised routine uses for FEMA disaster recovery assistance files.)

According to Public Law 109-295, section 640a, FEMA may disclose information to law enforcement agencies for public safety and security: "In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5, United States Code (commonly referred to as the 'Privacy Act'), to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws." Additionally, the U.S. Congress included language in section 689c(e), that instructs FEMA to enter into a memorandum of understanding with the DOJ, the National Center for Missing and Exploited Children, the Department of Health and Human Services, American Red Cross, and other relevant private organizations that will enhance the sharing of information to facilitate reuniting displaced individuals with their families.

DHS and DOJ have collaborated since May 2006 to execute a memorandum of agreement that provides law enforcement direct access to FEMA disaster recovery assistance files for the purpose of locating

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missing children displaced due to disasters. The agreement was executed on January 8, 2007. However, similar agreements that would provide federal, state, local, and tribal law enforcement direct access to FEMA disaster recovery assistance files to identify the whereabouts of registered sex offenders and fugitive felons following a disaster have not been executed.

It is obvious that law enforcement cannot wait days or weeks to receive information needed to protect the public. DHS' role, as a support agency for the National Response Plan's Emergency Support Function Thirteen – *Public Safety and Security*, should facilitate law enforcement access to FEMA disaster recovery assistance files for the purpose of securing FEMA shelters and protecting disaster victims and the general public from sex offenders and felons.

Recommendations

We are recommending that the Administrator of the Federal Emergency Management Agency:

1. Add specific routine uses to the System of Records Notice that authorizes the disclosure of FEMA disaster recovery assistance files for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster.
2. Develop and execute agreements with DOJ, the coordinator for *Public Safety and Security* under the National Response plan, to provide appropriate law enforcement entities direct access to FEMA disaster recovery assistance files for public safety and security efforts, including identifying the whereabouts of registered sex offenders and fugitive felons.

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3. Collaborate with DOJ to develop protocols, procedures, and processes to facilitate the appropriate sharing of information from FEMA disaster recovery assistance files among federal, state, local, and tribal law enforcement agencies that are responsible for ensuring public safety and security following a disaster.

Fraud Detection

The Computer Matching and Privacy Protection Act, which establishes procedural safeguards for computerized matching of Privacy Act-protected information, prevented federal Inspectors General from immediately performing computer matching to identify Hurricane Katrina disaster assistance fraud because it required an extensive review and approval process before interagency computer matching could be performed.

According to the Inspector General Act of 1978, it is the responsibility of each Inspector General to conduct, supervise, or coordinate all matters relating to the promotion of economy and efficiency, and the prevention and detection of fraud and abuse in programs and operations administered or financed by their agency. Computer matching is the retroactive, automated comparison of two computerized databases. It can be used to identify relationships that indicate possible instances of fraud. In contrast to manual searches, computer matching provides the capability to analyze massive volumes of data quickly and inexpensively.

The Computer Matching and Privacy Protection Act

The President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency conduct interagency and inter-entity audits, inspections, and investigations to promote economy and efficiency in federal programs and operations and address more effectively

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government-wide issues of fraud, waste, and abuse. These two councils recently reported to Congress that the requirements of the Computer Matching and Privacy Protection Act prevented the initiation of several proactive fraud investigations relating to Hurricane Katrina. Moreover, members of the Hurricane Katrina Fraud Task Force told us that computer matching is an invaluable tool for fraud investigations. However, a computer matching agreement generally takes several months to execute, thereby forcing the Hurricane Katrina Fraud Task Force to rely on manual searches within numerous disaster assistance databases.

Meeting the requirements of the Computer Matching and Privacy Protection Act is time-consuming:

- (1) A computer matching agreement must include a cost/benefit analysis, statement of purpose, explanation of legal authority, description of records to be matched, procedures to be followed in providing individual notice and verifying information produced in the matching program, procedures for record retention and for ensuring security of the records matched and the resulting matches, and statement of prohibitions on duplication and further disclosure of records involved in the match.
- (2) Interagency concurrence must be obtained.
- (3) The agreement must be approved by a Data Privacy and Integrity Board.
- (4) Congress and the Office of Management and Budget must be notified at least 40 days prior to implementation.
- (5) A notice of the computer matching agreement must be published in the Federal Register at least 30 days prior to implementation.

An exemption from the Computer Matching and Privacy Protection Act for federal Inspectors General would improve the efficacy of fraud investigations, the identification and subsequent mitigation of improper

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payments, and would facilitate the thorough assessment of internal controls.

Issue for Congressional Consideration

Only the U.S. Congress has the authority to exempt federal law enforcement agencies, including Inspectors General, from the Computer Matching and Privacy Protection Act to support their efforts to identify and prevent fraud, waste, and abuse in an expeditious manner. Such an exemption would greatly facilitate the efforts of the federal law enforcement community to obtain and analyze federal disaster assistance records for the purpose of promoting integrity in federal disaster assistance programs and detecting, preventing, and prosecuting disaster benefit fraud.

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Management Comments and OIG Analysis

The Privacy Office generally concurred with our recommendations regarding appropriate routine uses of FEMA disaster recovery assistance files, agreements to effectuate the routine uses, and protocols to facilitate the routine uses. FEMA agreed that a process must be implemented that minimizes any delay in getting information needed to the appropriate law enforcement agency. We consider all three recommendations resolved because steps are being taken to implement them. However, these recommendations will remain open until they have been fully implemented.

Recommendation 1: Add specific routine uses to the System of Records Notice that authorizes the disclosure of FEMA disaster recovery assistance files for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster.

FEMA Response: FEMA believes that the amended System of Records Notice of July 2006, specifically, the broadened routine uses that applies to law enforcement requests, already includes facilitating law enforcement access for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster.

OIG Analysis: We agree that the amended System of Records Notice of July 2006 facilitates law enforcement access to FEMA disaster recovery assistance files. However, adding specific routine uses to the Systems of Records Notice for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster would remove ambiguity concerning the disclosure of FEMA records for such purposes. We consider this recommendation resolved but open until routine uses to the System of Records Notice are added that specifically authorize the disclosure of FEMA disaster recovery assistance files for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster.

Recommendation 1 – Resolved – Open

Recommendation 2: Develop and execute agreements with DOJ, the coordinator for *Public Safety and Security* under the National Response plan, to provide appropriate law enforcement entities direct access to FEMA disaster recovery assistance files for public safety and security efforts, including identifying the whereabouts of registered sex offenders and fugitive felons.

FEMA Response: FEMA thinks it appropriate to grant law enforcement entities direct “limited” access to their disaster recovery assistance files so long as certain prerequisites are first met. First, a written memorandum of agreement is entered into by both FEMA and the respective law enforcement agency. Secondly, the law enforcement agency’s personnel meet all federal electronic systems security and identity verification requirements. Third, that the law enforcement agency’s

authorized employees be trained in FEMA's system. Fourth, that they be granted only limited "read only" access to only the information necessary for the respective entity's specific law enforcement purposes. FEMA is currently working on executing a memorandum of agreement with the U.S. Marshals Service to address the public safety and security needs of identifying and apprehending sex offenders and fugitive felons. FEMA is proposing to provide the U.S. Marshals Service direct "limited" access to FEMA's information for these specific law enforcement functions. FEMA is currently exploring more information-sharing agreements for the purpose of identifying and addressing public safety and security issues.

OIG Analysis: This recommendation is resolved but will remain open until FEMA demonstrates that an agreement has been executed with the U.S. Marshals Service, and other DOJ components as appropriate, to provide direct access to FEMA disaster recovery assistance records for public safety and security efforts, including identifying the whereabouts of registered sex offenders and fugitive felons.

Recommendation 2 – Resolved – Open

Recommendation 3: Collaborate with DOJ to develop protocols, procedures, and processes to facilitate the appropriate sharing of information from FEMA disaster recovery assistance files among federal, state, local, and tribal law enforcement agencies that are responsible for ensuring public safety and security following a disaster.

FEMA Response: FEMA is currently addressing this recommendation and has already developed protocols, procedures, and processes to facilitate the appropriate sharing of information with two DOJ components.

OIG Analysis: This recommendation is resolved but will remain open until FEMA demonstrates that protocols, procedures, and processes are established that facilitate the appropriate sharing of information from FEMA disaster recovery assistance files among federal, state, local, and tribal law enforcement agencies responsible for ensuring public safety and security following a disaster.

Recommendation 3 – Resolved – Open

The objective of our audit was to determine the adequacy of DHS' information sharing processes and procedures for Hurricane Katrina, and to determine what enhancements are needed to support law enforcement efforts.

We conducted our audit from April through December 2006 and reviewed agency documents, analyzed pertinent policies and procedures, interviewed cognizant officials, and evaluated internal controls.

Our fieldwork extended to various federal, state, and local agencies, and nongovernmental organizations, including the National Center for Missing and Exploited Children and the American Red Cross. We interviewed officials from components within DHS, including FEMA, the Office of Policy, the Office of Intelligence and Analysis, the DHS Privacy Office, the DHS Office of General Counsel, and various other components within DHS. Furthermore, we interviewed federal officials at the FBI, USDA, HHS, HUD, Internal Revenue Service, DOJ, Department of Labor, Social Security Administration, Small Business Administration, and U.S. Postal Service. We also interviewed various state and local officials, including the Mississippi State Police, the Louisiana State Police, and a Louisiana State Representative. We held discussions with the U.S. Attorney for the Middle District of Louisiana, and other officials on the Hurricane Katrina Fraud Task Force. In all, we met with 118 officials. Also, we examined approximately 4,000 pages of documentation relating to information sharing, including federal law, policies, and lessons learned from Hurricane Katrina.

We acknowledge the cooperation and courtesies extended to the audit team during the course of this audit. We conducted this audit under the authority of the Inspector General Act of 1978, as amended, and according to generally accepted government auditing standards.

MAT




Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 2, 2007

MEMORANDUM FOR:


Richard Skinner
Inspector General

FROM:


Hugo Teufel III
Chief Privacy Officer
Chief FOIA Officer

SUBJECT:

PRIV Comments on the DHS Office of Inspector General (OIG)
Draft Report "Improvements to Information Sharing are Needed to
Facilitate Law Enforcement Efforts During Disasters"

My office recently reviewed the DHS OIG Draft Report, "Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters," ("Draft Report"). I write to you to provide you comments on the Draft Report.

The DHS Privacy Office agrees generally with the Draft Report's recommendations regarding appropriate routine uses, agreements to effectuate the routine uses, and protocols to facilitate the routine uses. However, the Privacy Office believes strongly that if FEMA executes applicable Computer Matching Agreements now, then the Computer Matching and Privacy Protection Act (CMPPA) and the procedural safeguards it requires will not prevent proactive fraud investigations by law enforcement entities, including agency offices of inspector general that may need access to the FEMA Disaster Assistance system in the future. Unfortunately, FEMA did not initiate these agreements prior to the need to accomplish the matching with federal, state, and local law enforcement.

The Privacy Act of 1974 permits the disclosure and sharing of personally identifiable information within an agency "to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties." 5 U.S.C. § 552a(b)(1). As DHS is the agency within the meaning of Subsection (b)(1), FEMA is permitted by law to share protected information with other officers and employees of the agency, to include the Department's Office of Inspector General, an office whose authorities are clearly set forth in the Inspector General Act of 1978.

The CMPPA, at 5 U.S.C. § 552a(o) et seq., sets forth an appropriate mechanism for sharing information with other agencies. At the federal level, there is a clearly defined set of agencies with which DHS, through FEMA, would routinely share information under a contingency situation. FEMA should enter into matching agreements with these agencies in advance of other contingencies.

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The set of state and local agencies with which DHS, through FEMA, might share information in a contingency situation is much larger. Notwithstanding, there are a number of state and local jurisdictions with which FEMA deals routinely, sometimes on an annual basis. Again, FEMA should enter into matching agreements with these jurisdictions in advance of other contingencies.

In closing, the early application of the CMPPA, as well as other Privacy Act requirements, will ensure law enforcement agencies timely access for pertinent information at DHS while protecting privacy. We stand ready to work with our colleagues in FEMA to prepare for future contingencies.

05/11/2007 14:55 FAX

002/002


U.S. Department of Homeland Security
Washington, DC 20472



FEMA

MAY 11 2007

MEMORANDUM FOR: Matt Jadacki
Deputy Inspector General

FROM: Marko Bourne 
Director
Office of Policy and Program Analysis

SUBJECT: *Response to Draft Inspector General Report on Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters (DP6007)*

This responds to the February 26, 2007, memorandum requesting FEMA's comments on the draft Office of the Inspector General report, *Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters*. First, we sincerely appreciate the opportunity to respond to the draft report. The attached document provides comments on the three recommendations directed to FEMA. In addition, we are providing some additional comments to clarify the Disaster Applicant Program described in the report.

Please accept our thanks for the opportunity to respond to the draft report and to work with the Office of the Inspector General during this engagement. As FEMA works toward refining its programs, the Office of the Inspector General's independent analysis of program performance greatly benefits our ability to continuously improve our activities. We look forward to continuing this partnership in the future. Questions concerning specific comments should be addressed to Brad Shefka at 202-646-1308.

Attachment

cc: Response to the OIG Draft Report, *Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters*.

**Improvements to Information Sharing are Needed to Facilitate Law
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**FEMA's Response to the
DHS Office of Inspector General's (OIG's)
"Improvements to Information Sharing are Needed to Facilitate Law Enforcement
Efforts During Disasters"
3/23/07**

EXECUTIVE SUMMARY
(page 1, paragraphs 1-2)

The aforementioned DHS/OIG draft report assumes that there was no question that the information being requested by law enforcement personnel and offices was to be provided from FEMA's Disaster Assistance Applicant files ("DA files"). However, it is important to note that FEMA's collection of disaster applicant information is for the primary purpose of providing and coordinating federal disaster assistance. A separate, but equally important mission is that of law enforcement, which is responsible for pursuing and convicting those who violate society's criminal laws. Congress recently has balanced those not altogether consistent purposes of information collection in the Post Katrina Emergency Management Reform Act (PKEMRA). Congress passed legislation that reads:

In an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Department, *in accordance with the Privacy Act*, to any law enforcement agency of the Federal, State, or local government in order to identify illegal conduct or address public safety concerns, including sex offender notification laws.

Section 640(a). In permitting ("the Administrator may disclose . . .") FEMA to make such disclosures, Congress clearly set parameters around such disclosures; that the disclosures be limited to situations of "evacuation, sheltering, or mass relocation" and that any disclosures be "in accordance with the Privacy Act."

Thus, the decision originally of whether to provide such information is not one so easily reached as suggested by the OIG report. Once the decision is made, however, FEMA concurs with the OIG report that a process must be implemented that minimizes any delay in getting the information to the appropriate law enforcement agency.

In accordance with the Privacy Act of 1974 (Privacy Act), FEMA created its "Disaster Assistance" (DA) system of records (SOR) for the primary purpose of disaster assistance applications by victims of Presidentially-declared disasters. According to the Privacy Act, information-sharing of "individually identifying" information should be compatible with the uses for which the SORN was created. FEMA's SOR was created primarily for the purpose of DA applications.

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In responding to information-sharing requests, a careful balancing needs to be struck between protecting DA applicants' privacy interests, and other equally important purposes including state and local governments offering additional disaster assistance, law enforcement (locating sex offenders/fleeing felons who evacuated to other states), locating missing children, reuniting families, voting rights of displaced citizens, etc.

FEMA thinks it is important to give more context to the challenges faced by the Agency post-Katrina. FEMA received approximately 3,000,000 Disaster Assistance applications from victims of the three Disasters Katrina, Rita and Wilma from August 29 until October 24, 2005. This was an unprecedented total number of DA applications FEMA received in the short period of less than two months. The estimated numbers of DA applications include approximately 1.5 million for Katrina, 800,000 for Rita and 500,000 for Wilma. This was the largest post disaster workload in FEMA's history.

Following Hurricane Katrina, FEMA's sole mission was to process as expeditiously as possible the approximately 3 million requests for Disaster Assistance. Any perceived delay in responding immediately to particular law enforcement requests was due in part because FEMA was using its very limited resources to focus on accomplishing its mission (processing Disaster Assistance applications), while at the same time working to accommodate other requests for information from other States, other Federal and local agencies, voluntary organizations, and law enforcement agencies. A very vital part of the disaster assistance process is FEMA sharing the necessary "individually identifying" information of our DA applicants with states and voluntary organizations who also provide additional disaster assistance to victims. This information sharing has to be FEMA's highest priority in order to address the needs of victims immediately after a disaster.

At virtually the same time, however, FEMA used its limited and strained resources to respond to hundreds of separate law enforcement requests from numerous law enforcement agencies as quickly as possible given our limited resources. While the draft report highlights a few particular instances where FEMA had difficulty in providing responses to a particular request, it fails to credit FEMA for successfully responding to approximately 216 law enforcement requests. The report needs to accurately, and fairly, reflect the totality of the instances where FEMA received, considered, and successfully processed a request from a law enforcement agency for information from FEMA's disaster applicant database, and also recognize that this was not the primary mission of FEMA at the time.

Another factor that should be considered when evaluating the time it took to process a particular law enforcement request involved requests from law enforcement agencies (or personnel) that were unable to provide sufficient detailed information to, at a minimum, identify the specific individuals whose personal information they requested. For example, a general request from a local sheriff's office that "I'd just like to know if I've got any convicted felons in my area now" would not suffice. The displacement of hundreds of thousands of individuals from their homes did not otherwise rescind the

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notions of probable cause, constitutional due process, or the provisions of the Privacy Act.

Additionally, given the sheer numbers of people displaced by the multiple disasters, FEMA had an obligation to verify that the requestors for such private information were in fact who they said they were. In some instances, requests were dropped when FEMA followed up to verify basic information such as the identity of a requestor and the authority of a request. (e.g. felony conviction, outstanding warrant, dangerous criminal, etc.) While we cannot verify that false requests were received, we believe that based on the above circumstances, it is not impossible that they were, and such fact justifies some elemental verification of the requestor.

FEMA was committed to (and is) working with law enforcement agencies to address public health and safety issues in significant Presidentially-declared disasters where mass evacuations and shelters occur that may include locating sex offenders and fleeing felons.

FEMA has done this in several ways.

First, FEMA broadened its routine use "(g) investigations" to grant law enforcement agencies greater access to "individually identifying" information FEMA's "Disaster Assistance Recovery Files" ("Disaster Assistance") system of records to address vital issues including sex offenders and fleeing felons. In addition, FEMA also added a specific routine use (n) for the purpose of "reunification of families." We believe that this addresses the issue of locating missing children.

Second, to demonstrate our responsiveness, FEMA issued guidance just weeks after Katrina on how to streamline the handling of requests for our Privacy Act information from law enforcement agencies. We included a form letter that responded to each law enforcement request and met the written accounting requirement of the Privacy Act. (Attachments).

Third, FEMA will *not* require a written request from a law enforcement agency as long as it can demonstrate that the request meets the requirements of our expanded and broadened routine use (g). The requirements include: "a violation or potential violation of law-criminal, civil or regulatory;" and the conditions already stated in the previous paragraph. Our expanded routine uses permit sharing with law enforcement agencies "in the event of circumstances involving an evacuation, sheltering, or mass relocation, for the purposes of identifying and addressing public safety and security issues."

Fourth, FEMA has already entered into two arrangements in the form of Memorandums of Agreement (MOAs) with the Department of Justice (DOJ) granting limited "read only" access to our "Disaster Recovery Assistance Files" ("Disaster Assistance") Privacy Act system of records (SOR), and shared our information with the respective DOJ components to help them accomplish their missions to address criminal acts, and the arrangements have worked well. First with the DOJ Criminal Division heading up the Katrina Fraud Task Force for the purpose of investigating Katrina fraud cases, and

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second with the DOJ/FBI/Crimes Against Children Unit (CACU) for the purposes of investigating missing children cases and “identifying and addressing public safety and security issues.”

Granting each law enforcement agency direct access to FEMA’s DA system would *not* be the most timely nor most efficient way of providing law enforcement information from FEMA’s DA SOR in the event of Presidentially-declared disasters for several important reasons. In order to grant direct access, a site visit must first be completed by FEMA IT in order to ensure that the physical location where a PC to be used to access FEMA’s SOR meets all FEMA and DHS IT security requirements. Before access to a Federal electronic system can be granted, the identity of an individual with access to any FEMA IT system must be verified, which includes passing a background security check, as required by Homeland Security Presidential Directive 12 (HSPD-12), Subject: Policy for a Common Identification Standard for Federal Employees and Contractors (Aug. 24, 2004) and Section 4.1(b) of DHS 4300A, Sensitive Systems Policy. (e.g. 44 U.S.C. Section 3542). In addition, the individual must be granted access rights and be trained on how to use FEMA’s DA SOR. The FEMA DA SOR allows a limited number of individuals on our SOR at one time. During the time period of a major disaster, FEMA’s primary mission would be to process DA applications. Having numerous law enforcement agency personnel on our system at the same time could potentially compromise the efficiency of the system and the timeliness of the processing of DA applications to significantly interfere with FEMA’s primary mission.

FEMA believes a more efficient way to get information to law enforcement agencies would be by highly trained FEMA employees who can quickly search for and access the requested information. Because the Privacy Act requires written accountings when a Federal agency shares information from one of our Privacy Act systems, FEMA would respond to the respective law enforcement agency in writing.

If a law enforcement agency anticipates a need for information on many individuals, FEMA would recommend entering into a Memorandum of Agreement (MOA) where a certain number of the law enforcement agency’s authorized personnel who pass the systems security and identity verification requirements and have received training on our DA SOR be granted limited (“read only”) access. Such access would ensure that “individually identifying” information on our DA applicants is not accidentally altered or compromised. In addition, FEMA reserves the right to suspend access if our system is compromised. Because each individual applicant to FEMA for Disaster Assistance program provides FEMA with a great deal of sensitive personal information such as financial information including their bank account numbers, income, employment, social security numbers, family composition, etc., FEMA recommends granting only authorized law enforcement personnel direct “limited” access to only the information necessary to carry out their respective law enforcement function. Most law enforcement agencies requests were to simply locate a felon, so FEMA provided the current contact information only, which met the needs of most law enforcement agencies in the 216 requests FEMA processed. Such an arrangement has worked well with the DOJ Katrina Fraud Task Force.

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As FEMA continually reviews our processes to identify measures to streamline information sharing with law enforcement, FEMA is currently working on yet another MOA with the DOJ/U.S. Marshals Service (USMS) to address the public safety and security needs of identifying and apprehending sex offenders and fugitive felons. Consistent with our two previous MOAs with other DOJ components, FEMA is proposing to provide the DOJ/USMS direct "limited" access to FEMA's information for these specific law enforcement functions. FEMA already provided our information (specifically, evacuation address/shelter location of individuals) to the DOJ/USMS back in October, 2005 when the USMS gave the names of the fugitive felons they wanted to apprehend as registered sex offenders, wanted for violent sex offenses, and fugitives wanted for various felonies including murder, armed robbery and firearms violations. In order to further streamline the information-sharing process, the DOJ/USMS is now interested in entering into an MOA with FEMA for future disasters.

Currently, FEMA continues to work on the information-sharing process to ensure that requesters receive timely responses. Shortly, FEMA will issue internal guidance, sample clarification and response letters that will further streamline the process of responding to law enforcement, or any other requests, for FEMA's "Disaster Assistance" information consistent with the Privacy Act.

(page 1)

OMB and Congress dictate the Privacy Act's requirements. This is outside FEMA's purview.

(page 2)

(Recommendation 1). FEMA's Amended Routine Use already applies to the purpose of locating registered sex offenders and fugitive felons. In fact, FEMA drafted our SOR broadly to include more than just the specific purposes of locating registered sex offenders and fugitive felons in the aftermath of a disaster, but to also address numerous public health and safety issues after a disaster.

(Recommendation 2). FEMA has already shared our information with two components of the Department of Justice (DOJ), the Criminal Division and the FBI/CACU, to assist in accomplishing their missions to address criminal acts, and the arrangements have worked well. Specifically, the first MOA with the DOJ Criminal Division heading up the Katrina Fraud Task Force is for the purpose of investigating Katrina fraud cases, and the second with the FBI/Crimes Against Children Unit (CACU) for the purpose of investigating crimes against children, including locating missing children and for the purpose of "identifying and addressing public safety and security issues" that could include locating registered sex offenders who may be evacuated to shelters where unsupervised children may be present.

(Recommendation 3). FEMA has already developed protocols, procedures, and processes to facilitate the appropriate information sharing with the two components of the Department of Justice (DOJ) already discussed in the previous Recommendation 2.

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FEMA continues to work on more arrangements that will provide other DOJ law enforcement components with limited access to FEMA DA records for legitimate public safety and security needs. FEMA believes that DOJ should be the lead in addressing sex offender and fugitive felon concerns because DOJ is mandated with the statutory mission and authority to address these two specific concerns on a national level, unlike FEMA.

(page 5, paragraph 1)

FEMA has previously addressed the issue of granting law enforcement agencies direct access to our SOR. FEMA's recommendation is "limited" access by authorized individuals from law enforcement agencies pursuant to a written MOA.

(page 5, paragraph 2)

As previously indicated, FEMA has broadened its law enforcement routine use (g) of our "Disaster Recovery Assistance Files" ("Disaster Assistance") system of records, and published the required amended system of records notice. As previously stated, FEMA will *not* require a written request from a law enforcement agency as long as it can demonstrate that the request meets the requirements of our expanded and broadened law enforcement routine use (g).

(page 6, paragraph 1)

FEMA and DOJ have already resolved some DOJ components' needs for direct (limited) access to FEMA's "Disaster Assistance" SOR as already indicated by the two MOAs with the DOJ Criminal Division for the purpose of investigating Katrina fraud cases, and with the DOJ/FBI's Crimes Against Children Unit (CACU) for the purpose of locating missing children and to address public safety and security issues which may include locating sex offenders and fleeing felons.

As previously indicated, FEMA is currently exploring more information-sharing agreements for the purposes of identifying and addressing public safety and security issues with the Department of Justice.

(page 6, paragraphs 2-3)

As previously indicated, FEMA has broadened its law enforcement routine use (g) of our "Disaster Assistance" system of records, and published the required amended system of records notice. FEMA will *not* require a written request from a law enforcement agency as long as it can demonstrate that the request meets the requirements of our expanded and broadened law enforcement routine use (g).

(page 7, paragraphs 2 and 3) (page 8 paragraph 1)

FEMA has addressed these issues by broadening our law enforcement routine use (g) to facilitate information sharing with law enforcement agencies. The previous process referred to is no longer required, provided a law enforcement agency can demonstrate that their request meets the requirements of our expanded and broadened law enforcement routine use (g).

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(page 8)

FEMA previously addressed this issue on page 2.

(page 9)

The National Center for Missing and Exploited Children (NCMEC) was unable to demonstrate statutory law enforcement authority to investigate missing children cases. To resolve this issue, FEMA entered into a MOA with the DOJ/FBI/CACU who could demonstrate their statutory law enforcement authority to locate missing children and to address public safety and security issues that may include locating sex offenders and fleeing felons that perpetrate crimes against children. Again this would be within CACU's discretion. FEMA understands that CACU works closely with NCMEC to locate missing children.

(page 10, paragraph 1)

As previously indicated, FEMA successfully responded to approximately 216 law enforcement requests as quickly as possible given our limited resources.

FEMA completed a timely disclosure of our DA information to the Louisiana State Department of Public Safety and Corrections (with which the Louisiana State Police is associated) initially in November, 2005 and with updated information again in March, 2006. FEMA shared information on two categories of Louisiana's criminal offenders including: a) Louisiana registered sex offenders and b) Louisiana probationers and parolees. Because they were able to give us the names, socials and damaged addresses of thousands of their registered felons, FEMA was able to search and to share our information on Louisiana's registered sex offenders and, felon probationers and parolees in a timely manner. The Louisiana Department of Public Safety informed FEMA that they planned to share this information with their counterpart law enforcement agencies in various states where they believed that their registered sex offenders and probationers or parolees may have evacuated under Louisiana's state law enforcement authority.

(page 10, paragraph 2)

FEMA used the Privacy Act exception (b)(7), law enforcement more frequently because in our view, it is more applicable in the context of law enforcement purposes that apply to sex offenders, fugitive felons and locating missing children than the (b)(8) "health or safety exception."

The Privacy Act exception (b)(8) is very narrow. It includes "disclosure to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual *if upon such disclosure notification is transmitted to the last known address of such individual.*" 5. U.S.C. 552(b)(8).

In discussions with the DHS Privacy Office, b(8) is a narrow and rarely used exception. Section (b)(8) provides specifically for the Federal agency to "transmit notification to the last known address of such individual." The (b)(8) exception is limited to situations when an agency notifies a person and transmits the Privacy Act information to that person's last known address. It would be difficult, if not impossible, to notify each DA

applicant that a sex offender/fleeing felon is located in their particular shelter/temporary trailer park, and to notify a parent about the whereabouts of a missing child/family member when a large majority of the Katrina DA applicants were no longer located at their permanent home addresses.

Given (b)(8)'s limitations, FEMA came up with a more useful and practical solution—we broadened the scope of our existing law enforcement routine use (g) and added routine use (n) to address these vital concerns (locating missing children, reuniting families, addressing public health and safety).

(page 10, paragraph 3, page 11, paragraph 1)

As stated earlier, following Hurricane Katrina, FEMA's sole mission was to process as expeditiously as possible the approximately 3 million requests for Disaster Assistance. Any perceived delay in responding immediately to particular law enforcement requests was due in part because FEMA was using its very limited resources to focus on accomplishing its mission, while at the same time working to accommodate other requests for information from other States, other Federal and local agencies, non-voluntary organizations, and law enforcement agencies. As already stated, FEMA's expanded routine use (g) that applies to law enforcement requests now provides for the release of our information for "identifying and addressing public safety and security issues" that would include locating missing children, sex offenders and fugitive felons. As previously indicated, FEMA already has a MOA in place for direct "read only" access to the DOJ/FBI/CACU for the purpose of locating missing children and to "identify and address public safety issues."

(page 11, paragraphs 2, 3 and 4) (page 12, paragraphs 1, 2 and 3)

As previously indicated, the Mississippi State Police were unable to identify any specific individuals that they were seeking aboard the Holiday ship. The Privacy Act law enforcement exception (b)(7) and FEMA's routine use (g) Investigations both require the identification of the specific record requested usually an individual(s)' name, and evidence of some type of violation of law before individual Privacy Act information can be released. Neither of these threshold requirements for release of Privacy Act information was met in this instance. Instead, the Mississippi State Policy wanted FEMA to disclose all of the names of the individuals on the passenger list for the purpose of running criminal background checks on each individual. Such blanket releases of "individually identifying" information are not permitted under the Privacy Act.

(page 12, paragraphs 3-4)

The specific facts are not given and the circumstances are unclear, so FEMA is unable to address these allegations with any specificity.

(page 12, paragraph 5)

As previously indicated, FEMA shared our DA information with the Louisiana State Department of Public Safety and Corrections (with which the Louisiana State Police is associated) initially in November, 2005 and with updated information in March, 2006. FEMA shared information on two categories of its felony criminal offenders a) Louisiana

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registered sex offenders and b) Louisiana probationers and parolees. FEMA was informed by the Louisiana Department of Public Safety that they planned to share this information with law enforcement agencies in various states where their registered sex offenders and probationers or parolees may have evacuated under Louisiana's state law enforcement authority.

(page. 13, paragraph 2)

FEMA has already discussed the specific reasons why direct access by every law enforcement agency is not the most efficient and timely method of addressing public safety and security issues after a major disaster.

In response to the tremendous demands of information following Hurricanes Katrina and Rita, FEMA did promptly add routine uses that addressed public safety and security issues. Based upon the hundreds of requests for information from law enforcement agencies, we amended our system of records to expand our law enforcement routine use and added new routine uses that addressed urgent issues including sex offenders, fugitive felons, locating missing children, and reuniting families.

As previously indicated, FEMA's amended and expanded law enforcement routine use (g) provides for sharing our information with law enforcement agencies, and FEMA has already indicated that we will *not* require a written request from a law enforcement agency as long as it *can demonstrate that the request meets the requirements of our expanded and broadened law enforcement routine use (g)*.

(page 14, paragraph 1)

FEMA has already discussed the specific reasons why direct access by every law enforcement agency is not the most efficient and timely method of addressing public safety and security issues after a major disaster.

FEMA's July, 2006 Amended System of Records Notice (SORN) encompasses the broad purpose "of identifying and addressing public safety and security issues" that includes locating sex offenders and fugitive felons. FEMA stated the new routine uses were being added to share "with law enforcement entities in the event of circumstances involving an evacuation, sheltering, or mass relocation for *purposes of identifying and addressing public safety and security issues.*" (71 Federal Register vol. 71, No. 129, p. 38409, July 6, 2006).

To again clarify, FEMA broadened its law enforcement routine use (g) that obviates the need to rely on the Privacy Act's law enforcement exception (b)(7). In FEMA's July, 2006 Amended SORN, we state:

These routine uses are being added to resolve any ambiguities about FEMA's authority to share information under these circumstances and to ensure that necessary information can be disseminated in an efficient and effective manner. *Id.*

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(page 14, paragraph 2)

FEMA's key initiative to address the family reunification issue is the "National Emergency Family Registry and Locator System" (NEFRLS) SORN and Privacy Impact Assessment that are currently being created pursuant to Congress' mandate in Public Law 109-295, section 640a.

(page 14, paragraph 3, page 15, paragraphs 1-2)

As previously indicated, FEMA is currently in the process of exploring more information-sharing agreements for the purposes of identifying and addressing public safety and security issues including sex offenders and fleeing felons with the Department of Justice (DOJ). Because DOJ is a law enforcement agency by statute and mission, FEMA thinks it more appropriate for DOJ to take the lead in addressing these specific law enforcement issues with other local law enforcement agencies.

(page 15, paragraph 4, Recommendation 1)

FEMA believes that our Amended SOR, specifically, our broadened routine use (g) that applies to law enforcement requests, already includes facilitating law enforcement access for the purpose of locating registered sex offenders and fugitive felons in the aftermath of a disaster. As already stated, FEMA shared our information with the Louisiana Department of Public Safety and Corrections for these specific purposes, to locate Louisiana registered sex offenders and Louisiana probationers and parolees who evacuated from Louisiana after Katrina. Louisiana then shared the information they received from FEMA with numerous law enforcement counterparts in various states where their former registered felons evacuated under their state law enforcement authority. This is a FEMA success story of working closely with law enforcement to address public safety and security issues.

(Recommendation 2)

As previously stated, FEMA thinks it appropriate to grant law enforcement entities direct "limited" access to our SOR so long as certain prerequisites are first met. First, that a written MOA is entered into by both FEMA and the respective law enforcement agency. Second, that the law enforcement agency's personnel meet all Federal electronic systems security and identity verification requirements. Third, that the law enforcement agency's authorized employees be trained in FEMA's system. Fourth, that they be granted only limited "read only" access to only the information necessary for the respective entity's specific law enforcement purposes.

Otherwise, as FEMA has already specifically laid out, FEMA's expanded routine uses allows for sharing with law enforcement agencies who meet the requirements of our routine uses, and highly trained FEMA employees can access the requested information and respond in writing to the respective law enforcement agency. This would be timelier than having a law enforcement agency employee undergo all of the systems security and identity verification requirements and training for a small number of requests from their respective law enforcement entity.

(Recommendation 3)

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As already stated, FEMA is currently addressing this recommendation.

(pages 16-18)

This would be beyond FEMA's purview to address. If the DHS OIG desires changes to the Computer Matching and Privacy Protection Act, Congress' and OMB's approval would be necessary.

NTP Board of Scientific Counselors

The NTP Board of Scientific Counselors ("the Board") is a technical advisory body composed of scientists from the public and private sectors who provide primary scientific oversight and peer review to the NTP. Specifically, the Board advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and overall scientific quality. The TRR Subcommittee of the Board provides scientific peer review of the findings and conclusions of NTP Technical Reports. The Report on Carcinogens Subcommittee of the Board provides scientific peer review of nominations to the Report on Carcinogens, a Congressionally mandated listing of agents known or reasonably anticipated to be human carcinogens.

The Board's members are selected from recognized authorities knowledgeable in fields, such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. The NTP strives for equitable geographic distribution and for minority and female representation on the Board.

Dated: November 5, 2004.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

Preliminary Agenda

National Toxicology Program (NTP) Technical Reports (TR) Scheduled for Review by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee

December 9–10, 2004

Rodbell Auditorium, National Institute of Environmental Health Sciences, 111 TW Alexander Drive, Research Triangle Park, NC.

1. Overview of Dioxin Toxic Equivalency Factors (TEFs).
2. TR 531: Mixture of 3,3',4,4',5-Pentachlorobiphenyl (PCB 126) and 2,3',4,4',5-Pentachlorobiphenyl (PCB 118) (CAS Nos. 57465–28–8 and 31508–00–6, respectively).
 - No longer used commercially; persistent polyhalogenated aromatic hydrocarbons present in the environment.

3. TR 529: 2,2',4,4',5,5'-Hexachlorobiphenyl (PCB 153) (CAS No. 35065–27–1).
 - No longer used commercially; persistent polyhalogenated aromatic hydrocarbon present in the environment.
4. TR 530: Mixture of PCB 126 and PCB 153 (CAS No. 57465–28–8 and 835065–27–1, respectively).
 - No longer used commercially; persistent polyhalogenated aromatic hydrocarbons present in the environment.
5. Discussion on Contaminants in NTP Study Materials: Impact on Interpretation of 2-year Bioassays.
 - Discussion of the Title of Draft NTP Technical Report on Anthraquinone (TR–494).
6. TR 517: Sodium Chlorate (CAS No. 7775–09–9).
 - Oxidizing agent, precursor in the synthesis of chlorine dioxide; found as byproduct in water disinfected with chlorine dioxide.
7. TR 532: Bromodichloromethane (CAS No. 75–27–4).
 - Water disinfectant by-product.
8. TR 522: 3'-Azido-3'-thymidine (AZT) (CAS No. 30516–87–1).
 - Chemotherapeutic agent for treatment of people with acquired immune deficiency syndrome (AIDS).
9. TR 533: Benzophenone (CAS No. 119–61–9).
 - Photoinitiator fragrance enhancer, ultraviolet curing agent, intermediate in the manufacture of agricultural chemicals.

[FR Doc. 04–25280 Filed 11–12–04; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

RIN 1660–ZA05

Privacy Act Systems of Records; Amendment to Existing Routine Uses

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security (DHS).

ACTION: Notice of amendment to routine uses.

SUMMARY: In compliance with the requirements of the Privacy Act of 1974, as amended, FEMA gives notice that it intends to rename its system of records notice for FEMA/REG–2, Disaster

Recovery Assistance Files, to acknowledge in the nomenclature that it is now part of DHS, that it proposes to revise the existing routine uses for this system to allow information sharing with voluntary agencies actively working in the open disaster and that it proposes to add new routine uses to provide notice about routine management and oversight information sharing. In addition, to reduce the burden on the public applying for disaster assistance, FEMA has proposed to allow the registration process to be done by individuals electronically over the Internet and is therefore revising its system notice to account for electronic records.

EFFECTIVE DATE: The amended system of records will be effective December 15, 2004, unless comments are received that result in a contrary determination. The amended system of records will be applicable to major disaster or emergencies declared on or after August 13, 2004, unless comments are received that result in a contrary determination.

ADDRESSES: You may submit comments, identified by EPA DOCKET NUMBER DHS–2004–0014 and/or 1660–ZA05 by one of the following methods:

- EPA Federal Partner EDOCKET Web Site: <http://www.epa.gov/feddocket>. Follow instructions for submitting comments on the Web site. DHS has joined the Environmental Protection Electronic Docket System (Partner EDOCKET). DHS and its agencies (excluding the United States Coast Guard (USCG) and Transportation Security Administration (TSA)) will use the EPA Federal Partner EDOCKET system. The USCG and TSA [legacy Department of Transportation (DOT) agencies] will continue to use the DOT Docket Management System until full migration to the electronic rulemaking federal docket management system occurs in 2005.

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: (202) 646–4536.
- Mail: Rules Docket Clerk, Federal Emergency Management Agency, Office of General Counsel, room 840, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Rena Y. Kim, Privacy Act Officer, Room 840, 500 C Street, SW., Washington, DC 20472; (telephone) (202) 646–3949, or (e-mail) Rena.Kim@dhs.gov.

SUPPLEMENTARY INFORMATION: Prior to March 1, 2003, FEMA was an independent agency within the Federal Government. While operating as an independent agency, FEMA published notices concerning its systems of

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records. The system at issue in this notice was last published on October 9, 2001. In compliance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, FEMA gives notice that it intends to revise the routines uses and to add several new ones to its system of records entitled, FEMA/REG-2, Disaster Recovery Assistance Files. FEMA has amended the language in routine use (a) to allow information sharing with voluntary agencies actively working in the open disaster. FEMA also intends to add two new routine uses that allow for information sharing with other Federal and State agencies to enhance FEMA's ability to provide oversight and coordination of State activities and to ensure that the State performs and adheres to FEMA regulations and policy guidance. In addition, because FEMA became a part of DHS on March 1, 2003, FEMA is incorporating appropriate DHS routine uses as part of this system of records.

FEMA altered its system of records and provided a report as required by 5 U.S.C. 552a(r). This change is to amend the language of routine use (a). This amendment will not change the type or amount of information collected from individuals who apply for disaster assistance. Finally, this notice will make the public aware of routine management and oversight information sharing between FEMA and other Federal agencies, State and local governments, and contractors providing services in support of the Individual Assistance program. Routine uses (d), (e), (f), and (g) allow us to disclose information from this system of records to Federal, State, and local governments in the course of providing disaster assistance and in creating and implementing emergency evacuation plans. In addition, to reduce the burden on the public applying for disaster assistance, FEMA is now making the registration process available by an additional means—electronically via the Internet. In addition to filling out paper applications or calling in and applying over the telephone, individuals who wish to apply for disaster assistance can now also do so over the Internet.

Accordingly, FEMA amends the Disaster Recovery Assistance Files of the FEMA Privacy Act system of records to read as follows:

SYSTEM NAME:

Disaster Recovery Assistance Files.

SYSTEM LOCATION:

National Processing Service Centers (NPSC) located at FEMA MD-NPSC, 6505 Belcrest Road, Hyattsville, MD

20782; FEMA VA-NPSC, 19844 Blue Ridge Mountain Road, Bluemont, VA 20135; FEMA TX-NPSC, 3900 Karina Lane, Denton, TX 76208; and FEMA PR-NPSC, Carr 8860, KM 1.1 Bldg T-1429, Trujillo Alto, PR 00976.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for disaster recovery assistance through three different mediums including: (a) Electronically via the Internet, (b) by calling FEMA's toll-free number, or (c) through the submission of a paper copy of FEMA Form 90-69 following Presidentially-declared major disasters or emergencies. Our proposed additional new method will allow applicants to apply for disaster recovery assistance over the Internet, and will reduce the paperwork burden on the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records of registration for assistance (Form 90-69, Disaster Assistance Registration/Application) include individual applicants' names, addresses, telephone numbers, social security numbers, insurance coverage information, household size and composition, degree of damage incurred, income information, programs to which FEMA refers applicants for assistance, flood zones, location and height of high water level, and preliminary determinations of eligibility for disaster assistance.

(b) Inspection reports (Form 90-56, Inspection Report) contain individuals' identifying information and results of surveys of damaged real and personal property and goods, which may include individuals' homes and personal items.

(c) Temporary housing assistance eligibility determinations (Forms 90-11 through 90-13, 90-16, 90-22, 90-24 through 90-28, 90-31, 90-33, 90-41, 90-48, 90-57, 90-68 through 90-70, 90-71, 90-75 through 90-78, 90-82, 90-86, 90-87, 90-94 through 90-97, 90-99, and 90-101). These refer to approval and disapproval of temporary housing assistance and include: general correspondence, complaints, appeals and resolutions, requests for disbursement of payments, inquiries from tenants and landlords, general administrative and fiscal information, payment schedules and forms, termination notices, information shared with the temporary housing program staff from other agencies to prevent the duplication of benefits, leases, contracts, specifications for repair of disaster damaged residences, reasons for eviction or denial of aid, sales information after tenant purchase of

housing units, and the status of disposition of applications for housing.

(d) Eligibility decisions for disaster aid from other Federal and State agencies (for example, the disaster loan program administered by the Small Business Administration, and disaster aid decisions of the State-administered Individual and Family Grants (IFG) and its successor program, Other Needs Assistance (ONA)) as they relate to determinations of individuals' eligibility for disaster assistance programs.

(e) State files, independently kept by the State, which contains records of persons who request disaster aid, specifically for IFG and its successor program, ONA, and administrative files and reports required by FEMA. As to individuals, the State keeps the same type of information as described above under registration, inspection, and temporary housing assistance records. As to administrative files and reporting requirements, the State uses forms 76-27, 76-28, 76-30, 76-32, 76-34, 76-35, and 76-38. This collection of information is essential to the effective monitoring and management of the IFG and the ONA Program by FEMA's Regional Office staff who have the oversight responsibility of ensuring that the State perform and adhere to FEMA regulations and policy guidance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

To register applicants needing disaster assistance, to inspect damaged homes, to verify information provided by each applicant, to make eligibility determinations regarding an applicant's request for assistance, and to identify and implement measures to reduce future disaster damage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) FEMA may disclose applicant information to certain agencies as necessary and as described below to prevent a duplication of efforts or a duplication of benefits in determining eligibility for disaster assistance. FEMA shall only release as much information as is necessary to enable the recipient agency to determine eligibility for that agency's particular assistance program(s). The receiving agency is not permitted to alter or to further disclose our disclosed records to other disaster organizations. FEMA may make such disclosures under the following circumstances:

Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters

(1) To another Federal agency or State government agency charged with administering disaster relief programs to make available any additional Federal and State disaster assistance to individuals and households.

(2) When an applicant seeks assistance from a local government agency or a voluntary organization (as defined at 44 CFR 206.2(a)(27), as amended or superseded) charged under legislation or charter with administering disaster relief programs, and FEMA receives a written request from that local government or voluntary agency that includes the applicant's name, FEMA registration/application number and damaged dwelling address. The written request must explain the type of tangible assistance being offered and the type of verification required before the assistance can be provided.

(3) To voluntary organizations (as defined at 44 CFR 206.2(a)(27), as amended or superseded) that have an established disaster assistance program to address the disaster-related unmet needs of disaster victims, are actively involved in the recovery efforts of the disaster, and either have a national membership, in good standing, with the National Voluntary Organizations Active in Disaster (NVOAD), or are participating in the disaster's Long-Term Recovery Committee. When a voluntary agency satisfies all of the criteria listed in this sub-paragraph, FEMA may release lists of individuals' names, contact information, and their FEMA inspected loss amount to the volunteer agency for the sole purpose of providing additional disaster assistance. FEMA shall release this information only while the period for assistance for the current disaster is open.

(b) When an individual's eligibility, in whole or in part, for a DHS/FEMA disaster assistance program depends upon benefits already received or available from another source for the same purpose, FEMA may disclose information to relevant agencies, organizations, and institutions as necessary to determine what benefits are available from another source and to prevent the duplication of disaster assistance benefits (as described in section 312 of the Stafford Act).

(c) In response to a written request, FEMA may disclose information from this system of records to Federal, State, or local government agencies charged with the implementation of hazard mitigation measures and the enforcement of hazard-specific provisions of building codes, standards, and ordinances. FEMA may only disclose information for the following purposes:

(1) For hazard mitigation planning purposes to assist States and local communities in identifying high-risk areas and preparing mitigation plans that target those areas for hazard mitigation projects implemented under Federal, State or local hazard mitigation programs.

(2) For enforcement purposes, to enable State and local communities to ensure that owners repair or rebuild structures in conformance with applicable hazard-specific building codes, standards, and ordinances.

(d) Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1), FEMA is required to collect and release to the United States Department of the Treasury the social security number of the person doing business with FEMA, including an applicant for a grant. Therefore, FEMA will release an applicant's social security number in connection with a request for payment to the U.S. Treasury in order to provide a disaster assistance payment to an applicant under the Individual Assistance program.

(e) FEMA may provide a list of applicants' names, amounts of assistance provided, and related information to a State in connection with billing that State for the applicable non-Federal cost share under the Individuals and Households Program.

(f) When an applicant is occupying a FEMA Temporary Housing unit, FEMA may release only the location of the FEMA Temporary Housing unit to local emergency managers for the sole purpose of preparing emergency evacuation plans. FEMA shall not release any information on an individual, such as their name, type or amount of disaster assistance received.

(g) *Routine Use—Investigations:* Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil or regulatory—the relevant records may be referred to an appropriate Federal, State, territorial, tribal, local, international, or foreign agency law enforcement authority or other appropriate agency charged with investigating or prosecuting such a violation or enforcing or implementing such law.

(h) *Routine Use—Requesting Information:* To a Federal, State, local, tribal, territorial, foreign, or international agency, if necessary to obtain information relevant to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the

letting of a contract, or the issuance of a license, grant or other benefit.

(i) *Routine Use—Requested Information:* To a Federal, State, local, tribal, territorial, foreign, or international agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(j) *Routine Use—Congressional Inquiries:* To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

(k) *Routine Use—Private Relief Legislation:* To OMB at any stage of the legislative coordination and clearance process set out in OMB Circular No. A-19.

(l) *Routine Use—National Archives and Records Administration:* To the National Archives and Records Administration or other Federal Government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. sections 2904 and 2906.

(m) *Routine Use—Audits and Oversight:* To an agency, organization, or individual for the purposes of performing authorized audit or oversight operations.

(n) *Routine Use—Contractors, et al.:* To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(o) *Routine Use—Debt Collection:* To the Department of the Treasury, Justice, the United States Attorney's Office, or a consumer reporting agency for further collection action on any delinquent debt when circumstances warrant.

(p) *Routine Use—Freedom of Information Act (FOIA) Discussions with Other Agencies Regarding DHS Documents and Vice Versa:* To a Federal agency or entity that furnished the record or information for the purpose of permitting that agency or entity to make a decision regarding access to or correction of the record or information, or to a Federal agency or entity for purposes of providing guidance or advice regarding the handling of particular requests.

Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters

(q) Routine Use—Litigation: To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) DHS, or (2) any employee of DHS in his/her official capacity, or (3) any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee, or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation.

(r) Routine Use—Privacy Act Verification and Amendment: To a Federal, State, territorial, tribal, local, international, or foreign agency or entity for the purpose of consulting with that agency or entity (1) to assist in making a determination regarding access to or amendment of information, or (2) for the purpose of verifying the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment of information.

(s) Routine Use—Privacy Act/FOIA Access and Amendment: To the submitter or subject of a record or information to assist DHS in making a determination as to access or amendment.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure under 5 U.S.C. 552a(b)(12): FEMA may make disclosures from this system to consumer reporting agencies, as defined in the Fair Credit Reporting Act, 15 U.S.C. Section 1681a(f), or the Debt Collection Act of 1982, 31 U.S.C. Section 3711(e).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interactive database, computer discs, and paper records in file folders.

RETRIEVABILITY:

By an individual's name, address, social security number, and case file number.

SAFEGUARDS:

Only authorized individuals and FEMA employees have access to this information. Hardware and software computer security measures are used to control access to the data. Access to the data is based upon an individual's position in FEMA and/or their designated duties. Individuals are assigned specific "rights" or specific access (e.g., read only, modify, delete, etc.). The access granted is based upon an individual's position responsibilities for "official use" only. FEMA

employees are allowed access to the data as a function of their specific job assignments within their respective organizations. Each FEMA employee's access to the data is restricted to that needed to carry out their duties.

No individual applying for disaster assistance will have access to the entire database via the Internet. Applicants will have limited access to only their own information that they submitted via the Internet, and to the status of their own information regarding the processing of their own application (e.g. the status of required documentation, inspection status, or SBA status). Applicants are provided a Logon id, password, and Personal Identification Number (PIN) that connect only to the applicant's data. The password and PIN ensures that the login id belongs to the applicant. Computer security software ensures that the login id is mapped only to the applicant's data. Applicants will have access to only their own application information after FEMA assigns them a properly authenticated user id, password, and PIN. Applicants will be registered and authenticated in accordance with National Institute of Standards and Technology Level 2 Assurance guidelines.

RETENTION AND DISPOSAL:

Records covered by paragraphs (a) through (d) are covered by Records Schedule N1-311-86-1 4C10a and are destroyed after 6 years and 3 months. Records covered by paragraph (e) are covered by Records Schedules N1-311-86-1 4C7 and/or N1-311-86-1 4C10b and are destroyed 3 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director, Recovery Division, FEMA, 500 C Street SW., Washington, DC 20472 and applicable Regional Directors, as listed in Appendix A(1).

NOTIFICATION PROCEDURE:

Requests for Privacy Act protected information generally are governed by DHS regulations found at 6 CFR Part 5 and FEMA's regulations at 44 CFR Part 6. They must be made in writing, and clearly marked as a "Privacy Act Request" on the envelope and letter. Inquiries should be addressed to FEMA—Records Management, National Processing Service Center, P.O. Box 10055 Hyattsville, MD 20782-7055. Include the full name of the individual, the appropriate personal identification, and the current address. The name of the requester, the nature of the record sought, and the verification of identity must be clearly indicated, as required by DHS regulation 6 CFR 5.21 and FEMA regulation at 44 CFR 6.30. Requests may

also be sent to: Privacy Act Officer, DHS/FEMA Office of General Counsel (GL), room 840, 500 C Street, SW., Washington, DC 20472.

RECORD ACCESS PROCEDURES:

Same as the Notification Procedure above.

CONTESTING RECORD PROCEDURE:

Same as the Notification Procedure above. The letter should state clearly and concisely what information you are contesting, the reasons for contesting it, and the proposed amendment to the information that you seek pursuant to DHS Privacy Act regulations at 6 CFR Part 5 and FEMA regulations at 44 CFR Part 6.

RECORD SOURCE CATEGORIES:

Applicants for disaster recovery assistance, credit rating bureaus, financial institutions, insurance companies, and state, local and voluntary agencies providing disaster relief.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: November 9, 2004.

David A. Trissell,

General Counsel, Emergency Preparedness and Response, Department of Homeland Security.

Appendix A (1)

Addresses for FEMA Regional Offices

- Region I—Regional Director, FEMA, 99 High Street, 6th Floor, Boston, MA 02110;
- Region II—Regional Director, FEMA, 26 Federal Plaza, New York, NY 10278-0002;
- Region III—Regional Director, FEMA, One Independence Mall, 615 Chestnut Street, Philadelphia, PA 19106-4404;
- Region IV—Regional Director, FEMA, 3003 Chamblee-Tucker Road, Atlanta, GA 30341;
- Region V—Regional Director, FEMA, 536 S. Clark Street, Chicago, IL 60605;
- Region VI—Regional Director, FEMA, Federal Center, 800 North Loop 288 Denton, TX 76209;
- Region VII—Regional Director, FEMA, 2323 Grand Boulevard, Kansas City, MO 64108-2670;
- Region VIII—Regional Director, FEMA, Denver Federal Center, Building 710, Box 25267, Denver, CO 80225-0267;
- Region IX—Regional Director, FEMA, 1112 Broadway St. Oakland, CA 94607;
- Region X—Regional Director, FEMA, Federal Regional Center, 130 228th Street, SW., Bothell, WA 98021-9796;

[FR Doc. 04-25284 Filed 11-12-04; 8:45 am]

BILLING CODE 9110-10-P

Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters

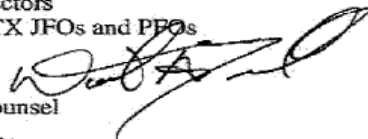
U.S. Department of Homeland Security
Washington, D.C. 20472

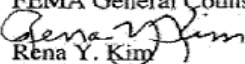


FEMA

October 19, 2005

MEMORANDUM FOR: Acting Director
Chief of Staff
Acting Deputy Chief of Staff
Acting Director of Operations
Division Directors
Acting Division Directors
Administrator
Chief Financial Officer
Regional Directors
Acting Regional Directors
Office Directors
Acting Office Directors
LA, AL, MS and TX JFOs and PFOs

THROUGH: David A. Trissell 
FEMA General Counsel

FROM: Rena Y. Kim 
FEMA Senior Privacy Attorney

SUBJECT: Law Enforcement Agency Requests for FEMA Records under the Privacy Act

This memorandum provides guidance on handling law enforcement agencies' (Federal, State or Local) requests for "individually identifying" information from DHS/FEMA's "Disaster Assistance Recovery Files" ("Disaster Assistance"). Those files are a system of record protected by the Privacy Act of 1974 (5 U.S.C. § 552a). For that reason, the release of information from those records may be done only if permitted by the Privacy Act. One instance in which information may be released is to another government agency (federal, state, or local) for a civil or criminal law enforcement activity that is authorized by law.

The following information must be received *before* a request is processed:

1. The law enforcement agency must provide a written request.
2. The written request must be from the head of the requesting agency or an appropriate designee for the head of that agency.
3. The written request must:

www.fema.gov

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- a. *State the specific criminal or civil law enforcement activity and the legal basis for that activity for which the agency is seeking information. E.g., Arrest warrants issued for sex offenders who may have violated Texas law XX by failing to register their new evacuated addresses in Texas.*
- b. *Identify the specific persons about whom the law enforcement agency is seeking information from FEMA ("listed persons"). E.g., a list of persons who have registered as sex offenders in Louisiana.*
- c. *Identify the specific information about the listed persons that the law enforcement agency would like to receive if the listed persons are found within FEMA records. E.g., the evacuee's new address and phone number*

If the written request does *not* address *all* of these requirements it is not a proper request, and we cannot process it. After receiving a proper request, the following guidelines must be observed in processing that request:

1. Only authorized FEMA employees/contractors can access the system, conduct the matches, and complete the results of such searches. FEMA cannot allow third parties direct access to the information.
2. FEMA must complete a written accounting of any Privacy Act information shared with third parties. Please find attached a sample response letter that *must be sent to the requester when the search results are given*. All bolded items must be completed. The letter then should be placed in the file of each individual about whom information has been supplied to the requesting agency.

If you have questions about this process, please contact me at (202) 646-3949 or via email at rena.kim@dhs.gov. In addition, please copy both Robert Brock and myself on any such requests.

cc: Jennifer Koester Hardy DHS/OGC
Elizabeth Withnell DHS/OGC
Erica Perel DHS/OGC
Robert Brock FEMA/OGC
Greg Cooper FEMA Chief Security Officer

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Enforcement Efforts During Disasters

38408

Federal Register / Vol. 71, No. 129 / Thursday, July 6, 2006 / Notices

Contact Person: Jon M. Randhand, PhD., Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435-6884, randhandi@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 27, 2006.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 06-5996 Filed 7-5-06; 8:45am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Open Meeting, Board of Visitors for the National Fire Academy

AGENCY: U.S. Fire Administration (USFA), Federal Emergency Management Agency (FEMA), Department of Homeland Security.

ACTION: Notice of open meeting via conference call.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Federal Emergency Management Agency announces the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy.

Dates of Meeting: July 25, 2006.

Place: Building H, Room 300, National Emergency Training Center, Emmitsburg, Maryland.

Time: July 25, 2006, 1:30-4 p.m.

Proposed Agenda: Review National Fire Academy Program Activities.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, the Federal Emergency Management Agency announces that the committee meeting will be open to the public in the Emmitsburg commuting area with seating available on a first-come, first-served basis. The meeting is open to the public; however, teleconference lines are limited. Members of the general public who plan to participate in the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727,

(301) 447-1117, on or before July 21, 2006.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the U.S. Fire Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

The National Fire Academy Board of Visitors is administered by the United States Fire Administration, which is currently being transferred to the newly created Preparedness Directorate of the Department of Homeland Security. During this transition FEMA, also part of the Department of Homeland Security, will continue to support this program as the new Directorate stands up. Ultimately this function will be transferred to the Preparedness Directorate.

Dated: June 28, 2006.

Charlie Dickinson,

Deputy U.S. Fire Administrator.

[FR Doc. E6-10492 Filed 7-5-06; 8:45 am]

BILLING CODE 9110-17-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2006-0029]

RIN 1660-ZA05

Privacy Act System of Records; Amendment to Existing Routine Uses

AGENCY: Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS).

ACTION: Notice of amendment to routine uses.

SUMMARY: In compliance with the requirements of the Privacy Act of 1974, as amended, FEMA gives notice that it proposes to revise its Disaster Recovery Assistance Files, FEMA/REG-2, to address important issues that arose in the aftermath of Hurricane Katrina.

EFFECTIVE DATE: The amended system of records will be effective August 7, 2006, unless comments are received that result in a contrary determination. The public, the Office of Management and Budget (OMB), and Congress are invited to comment on the amended system of records. The amended system of records will be applicable to major disasters or emergencies declared on or after July 6, 2006, unless comments are received that result in a contrary determination.

ADDRESSES: You may submit comments, identified by Docket ID FEMA-2006-0029 by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments;

- E-mail: FEMA-RULES@dhs.gov. Include the Docket ID in the subject line of the message;

- Fax: 202-646-4536 (not a toll-free number); or

- Mail/Hand Delivery/Courier: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 840, 500 C Street, SW., Washington, DC 20472; Maureen Cooney, Acting Chief Privacy Officer, Department of Homeland Security, 601 S. 12th Street, Arlington, VA 22202.

Instructions: All submissions received must include the agency name and Docket ID (if available) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Submitted comments may also be inspected at FEMA, Office of General Counsel, 500 C Street, SW., Room 840, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: In compliance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, FEMA gives notice that it intends to make several changes to its system of records entitled, FEMA/REG-2, Disaster Recovery Assistance Files, which was last published in the **Federal Register** on November 15, 2004 (69 FR 65615). As a result of experiences during Hurricane Katrina and questions raised about FEMA's authority to share vital information needed to assist in disaster recovery and relief, FEMA is revising its Disaster Recovery Assistance Files system of records in several respects.

First, FEMA has modified the "Purpose(s)" section to add as a purpose of the system information sharing in the event of another Presidentially-declared major disaster or emergency that adversely impacts a significant portion of the United States. The information FEMA collects during its disaster assistance efforts can be of critical importance to State and local governments, private relief organizations, and law enforcement agencies, and although FEMA believes it has the authority to share information with these partners, it is revising its SORN to make transparent the fact that

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such sharing is a purpose of the system of records.

Second, FEMA intends to add new routine uses that allow for information sharing with Federal agencies, State and local governments or other authorized entities for the purposes of reunifying families, locating missing children, voting, and with law enforcement entities in the event of circumstances involving an evacuation, sheltering, or mass relocation, for purposes of identifying and addressing public safety and security issues. These routine uses are being added to resolve any ambiguities about FEMA's authority to share information under these circumstances and to ensure that necessary information can be disseminated in an efficient and effective manner.

FEMA is also making some non-substantive editorial changes to its system notice. FEMA is eliminating routine uses that are related to internal, administrative processes including routine use "(k) Private Relief Legislation," and "(p) Freedom of Information Act (FOIA) Discussions with Other Agencies Regarding DHS Documents and Vice Versa." FEMA is deleting routine uses that are unnecessary including routine use "(h) Requesting Information" and routine use and "(i) Requested Information."

The proposed revisions to this system of records will not change the type or amount of information collected from individuals who apply for disaster assistance. Instead, the revisions will change with whom that information can be shared and for what purposes. FEMA believes that these revisions will allow it to more effectively provide a full range of disaster assistance and meet its responsibilities to share critical information with other Federal, State, and local government agencies as well as private entities involved in various aspects of disaster recovery and relief.

In accordance with the requirements of 5 U.S.C. 552a(r), a report on the revisions to this system notice has been provided to the Office of Management and Budget and to Congress.

DHS/FEMA-REG 2

SYSTEM NAME:

Disaster Recovery Assistance Files.

SYSTEM LOCATION:

National Processing Service Centers (NPSC) located at FEMA MD-NPSC, 6505 Belcrest Road, Hyattsville, MD 20782; FEMA VA-NPSC, 19844 Blue Ridge Mountain Road, Bluemont, VA 20135; FEMA TX-NPSC, 3900 Karina Lane, Denton, TX 76208; and FEMA

PR-NPSC, Carr 8860, KM 1.1 Bldg T-1429, Trujillo Alto, PR 00976.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for disaster recovery assistance through three different mediums including: (a) electronically via the Internet, (b) by calling FEMA's toll-free number, or (c) through the submission of a paper copy of FEMA Form 90-69 following Presidentially-declared major disasters or emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records of registration for assistance (Form 90-69, Disaster Assistance Registration/Application) include individual applicants' names, addresses, telephone numbers, social security numbers, insurance coverage information, household size and composition, degree of damage incurred, income information, programs to which FEMA refers applicants for assistance, flood zones, location and height of high water level, and preliminary determinations of eligibility for disaster assistance.

(b) Inspection reports (Form 90-56, Inspection Report) contain individuals' identifying information and results of surveys of damaged real and personal property and goods, which may include individuals' homes and personal items.

(c) Temporary housing assistance eligibility determinations (Forms 90-11 through 90-13, 90-16, 90-22, 90-24 through 90-28, 90-31, 90-33, 90-41, 90-48, 90-57, 90-68 through 90-70, 90-71, 90-75 through 90-78, 90-82, 90-86, 90-87, 90-94 through 90-97, 90-99, and 90-101). These refer to approval and disapproval of temporary housing assistance and include: general correspondence, complaints, appeals and resolutions, requests for disbursement of payments, inquiries from tenants and landlords, general administrative and fiscal information, payment schedules and forms, termination notices, information shared with the temporary housing program staff from other agencies to prevent the duplication of benefits, leases, contracts, specifications for repair of disaster damaged residences, reasons for eviction or denial of aid, sales information after tenant purchase of housing units, and the status of disposition of applications for housing.

(d) Eligibility decisions for disaster aid from other Federal and State agencies (for example, the disaster loan program administered by the Small Business Administration, and disaster aid decisions of the State-administered Individual and Family Grants (IFG) and

its successor program, Other Needs Assistance (ONA)) as they relate to determinations of individuals' eligibility for disaster assistance programs.

(e) State files, independently kept by the State, which contains records of persons who request disaster aid, specifically for IFG and its successor program, ONA, and administrative files and reports required by FEMA. As to individuals, the State keeps the same type of information as described above under registration, inspection, and temporary housing assistance records. As to administrative files and reporting requirements, the State uses forms 76-27, 76-28, 76-30, 76-32, 76-34, 76-35, and 76-38. This collection of information is essential to the effective monitoring and management of the IFG and the ONA Program by FEMA's Regional Office staff who have the oversight responsibility of ensuring that the State perform and adhere to FEMA regulations and policy guidance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5121-5206 and Reorganization Plan No. 3 of 1978.

PURPOSE(S):

To register applicants needing disaster assistance, to inspect damaged homes, to verify information provided by each applicant, to make eligibility determinations regarding an applicant's request for assistance, and to identify and implement measures to reduce future disaster damage, and for other purposes identified in the "Routine Uses" section below, resulting from a Presidentially-declared major disaster or emergency that adversely impacts a significant portion of the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS or FEMA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(a) FEMA may disclose applicant information to certain agencies as necessary and as described below to prevent a duplication of efforts or a duplication of benefits in determining eligibility for disaster assistance. FEMA shall only release as much information as is necessary to enable the recipient agency to determine eligibility for that agency's particular assistance program(s). The receiving agency is not

Improvements to Information Sharing are Needed to Facilitate Law Enforcement Efforts During Disasters

permitted to alter or to further disclose our disclosed records to other disaster organizations. FEMA may make such disclosures under the following circumstances:

(1) To another Federal agency or State government agency charged with administering disaster relief programs to make available any additional Federal and State disaster assistance to individuals and households.

(2) When an applicant seeks assistance from a local government agency or a voluntary organization (as defined at 44 CFR 206.2(a)(27), as amended or superseded) charged under legislation or charter with administering disaster relief programs, and FEMA receives a written request from that local government or voluntary agency that includes the applicant's name, FEMA registration/application number, and damaged dwelling address. The written request must explain the type of tangible assistance being offered and the type of verification required before the assistance can be provided.

(3) To voluntary organizations (as defined at 44 CFR 206.2(a)(27), as amended or superseded) that have an established disaster assistance program to address the disaster-related unmet needs of disaster victims, are actively involved in the recovery efforts of the disaster, and either have a national membership, in good standing, with the National Voluntary Organizations Active in Disaster (NVOAD), or are participating in the disaster's Long-Term Recovery Committee. When a voluntary agency satisfies all of the criteria listed in this sub-paragraph, FEMA may release lists of individuals' names, contact information, and their FEMA inspected loss amount to the volunteer agency for the sole purpose of providing additional disaster assistance. FEMA shall release this information only while the period for assistance for the current disaster is open.

(b) When an individual's eligibility, in whole or in part, for a DHS/FEMA disaster assistance program depends upon benefits already received or available from another source for the same purpose, FEMA may disclose information to relevant agencies, organizations, and institutions as necessary to determine what benefits are available from another source and to prevent the duplication of disaster assistance benefits (as described in section 312 of the Stafford Act).

(c) In response to a written request, FEMA may disclose information from this system of records to Federal, State, or local government agencies charged with the implementation of hazard mitigation measures and the

enforcement of hazard-specific provisions of building codes, standards, and ordinances. FEMA may only disclose information for the following purposes:

(1) For hazard mitigation planning purposes to assist States and local communities in identifying high-risk areas and preparing mitigation plans that target those areas for hazard mitigation projects implemented under Federal, State or local hazard mitigation programs.

(2) For enforcement purposes, to enable State and local communities to ensure that owners repair or rebuild structures in conformance with applicable hazard-specific building codes, standards, and ordinances.

(d) Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1), FEMA is required to collect and release to the United States Department of the Treasury the social security number of the person doing business with FEMA, including an applicant for a grant. Therefore, FEMA will release an applicant's social security number in connection with a request for payment to the U.S. Treasury in order to provide a disaster assistance payment to an applicant under the Individual Assistance program.

(e) FEMA may provide a list of applicants' names, amounts of assistance provided, and related information to a State in connection with billing that State for the applicable non-Federal cost share under the Individuals and Households Program.

(f) When an applicant is occupying a FEMA Temporary Housing unit, FEMA may release only the location of the FEMA Temporary Housing unit to local emergency managers for the sole purpose of preparing emergency evacuation plans. FEMA shall not release any information on an individual, such as their name, type or amount of disaster assistance received.

(g) Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil or regulatory—the relevant records may be referred to an appropriate Federal, State, territorial, tribal, local, international, or foreign agency law enforcement authority or other appropriate agency charged with investigating or prosecuting such a violation or enforcing or implementing such law. In the event of circumstances requiring an evacuation, sheltering, or mass relocation, FEMA may also share applicant information with Federal, State or local law enforcement in order to identify illegal or fraudulent conduct

and address public safety or security issues.

(h) To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

(i) To the National Archives and Records Administration or other Federal Government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. sections 2904 and 2906.

(j) To an agency, organization, or individual for the purposes of performing authorized audit or oversight operations.

(k) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(l) To the Department of the Treasury, Justice, the United States Attorney's Office, or a consumer reporting agency for further collection action on any delinquent debt when circumstances warrant.

(m) To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) DHS, or (2) any employee of DHS in his/her official capacity, or (3) any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee, or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation.

(n) Reunification of Families: To a Federal or State law enforcement authority, or agency, or other entity authorized to investigate and/or coordinate locating missing children and/or reuniting families.

(o) Voting: To State and local government election authorities to oversee the voting process within their respective State/county/parish, for the limited purpose of ensuring voting rights of individuals who have applied to FEMA for Disaster Assistance, limited to their own respective State's/county's/parish's citizens who are displaced by a Presidentially-declared major disaster or emergency out of their State/county/parish voting jurisdiction.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure under 5 U.S.C. 552a(b)(12): FEMA may make disclosures from this system to consumer reporting agencies' as defined in the Fair Credit Reporting

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Act, 15 U.S.C. Section 1681a(f), or the Debt Collection Act of 1982, 31 U.S.C. Section 3711(e).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Interactive database, computer discs, and paper records in file folders.

RETRIEVABILITY:

By an individual's name, address, social security number, and case file number.

SAFEGUARDS:

Only authorized individuals and FEMA employees have access to this information. Hardware and software computer security measures are used to control access to the data. Access to the data is based upon an individual's position in FEMA and/or their designated duties. Individuals are assigned specific "rights" or specific access (e.g., read only, modify, delete, etc.). The access granted is based upon an individual's position responsibilities for "official use" only. FEMA employees are allowed access to the data as a function of their specific job assignments within their respective organizations. Each FEMA employee's access to the data is restricted to that needed to carry out their duties.

No individual applying for disaster assistance will have access to the entire database via the Internet. Applicants will have limited access to only their own information that they submitted via the Internet, and to the status of their own information regarding the processing of their own application (e.g. the status of required documentation, inspection status, or SBA status). Applicants are provided a Logon id, password, and Personal Identification Number (PIN) that connect only to the applicant's data. The password and PIN ensures that the login id belongs to the applicant. Computer security software ensures that the login id is mapped only to the applicant's data. Applicants will have access to only their own application information after FEMA assigns them a properly authenticated user id, password, and PIN. Applicants will be registered and authenticated in accordance with National Institute of Standards and Technology Level 2 Assurance guidelines.

RETENTION AND DISPOSAL:

Records covered by paragraphs (a) through (d) are covered by Records Schedule N1-311-86-1 4C10a and are destroyed after 6 years and 3 months. Records covered by paragraph (e) are

covered by Records Schedules N1-311-86-1 4C7 and/or N1-311-86-1 4C10b and are destroyed 3 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director, Recovery Division, FEMA, 500 C Street SW., Washington, DC 20472 and applicable Regional Directors, as listed in Appendix A(1).

NOTIFICATION PROCEDURE:

Requests for Privacy Act protected information generally are governed by DHS regulations found at 6 CFR part 5 and FEMA's regulations at 44 CFR part 6. They must be made in writing, and clearly marked as a "Privacy Act Request" on the envelope and letter. The name of the requester, the nature of the record sought, and the verification of identity must be clearly indicated, as required by DHS regulation 6 CFR 5.21 and FEMA regulation at 44 CFR 6.30. Requests may also be sent to: Privacy Act Officer, DHS/FEMA Office of General Counsel (GL), Room 840, 500 C Street, SW., Washington, DC 20472.

RECORD ACCESS PROCEDURES:

Same as the Notification Procedure above.

CONTESTING RECORD PROCEDURE:

Same as the Notification Procedure above. The letter should state clearly and concisely what information you are contesting, the reasons for contesting it, and the proposed amendment to the information that you seek pursuant to DHS Privacy Act regulations at 6 CFR part 5 and FEMA regulations at 44 CFR part 6.

RECORD SOURCE CATEGORIES:

Applicants for disaster recovery assistance, credit rating bureaus, financial institutions, insurance companies, and state, local and voluntary agencies providing disaster relief, commercial databases (for verification purposes).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.
Dated: June 30, 2006.
Maureen Cooney,
Acting Chief Privacy Officer.

Appendix A (1)—Addresses for FEMA Regional Offices

Region I—Regional Director, FEMA, 99 High Street, 6th Floor, Boston, MA 02110;
Region II—Regional Director, FEMA, 26 Federal Plaza, New York, NY 10278-0002;
Region III—Regional Director, FEMA, One Independence Mall, 615 Chestnut Street, Philadelphia, PA 19106-4404;
Region IV—Regional Director, FEMA, 3003 Chamblee-Tucker Road, Atlanta, GA 30341;

Region V—Regional Director, FEMA, 536 S. Clark Street, Chicago, IL 60605;
Region VI—Regional Director, FEMA, Federal Center, 800 North Loop 288 Denton, TX 76209;
Region VII—Regional Director, FEMA, 2323 Grand Boulevard, Kansas City, MO 64108-2670;
Region VIII—Regional Director, FEMA, Denver Federal Center, Building 710, Box 25267, Denver, CO 80225-0267;
Region IX—Regional Director, FEMA, 1112 Broadway St. Oakland, CA 94607;
Region X—Regional Director, FEMA, Federal Regional Center, 130 228th Street, SW., Bothell, WA 98021-9796.

[FR Doc. E6-10640 Filed 7-5-06; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5037-N-41]

Notice of Application for Designation as a Single Family Foreclosure Commissioner

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Under the Single Family Mortgage Foreclosure Act of 1994, HUD may exercise a nonjudicial power of sale of single-family HUD-held mortgages and may appoint foreclosure commissioners to do this. HUD needs the notice and resulting applications for compliance with the Act's requirements that commissioners be qualified.

DATES: *Comments Due Date:* August 7, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2510-0012) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian_Deitzer@HUD.gov or Lillian_L_Deitzer@HUD.gov or telephone (202) 708-2374. This is not a toll-free number. Copies of available

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Norman Brown, Supervisory Program Analyst, Department of Homeland Security, Office of Disaster Assistance Oversight

Devin Polster, Audit Manager, Department of Homeland Security, Office of Disaster Assistance Oversight

John Meenan, Senior Auditor, Department of Homeland Security, Office of Disaster Assistance Oversight

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chief of Staff
General Counsel
Executive Secretary
Assistant Secretary for Public Affairs
Assistant Secretary for Policy
Assistant Secretary for Legislative and Governmental Affairs
Administrator, FEMA
Undersecretary for Management
Chief Privacy Officer
Chief Information Officer
Chief Security Officer
Chief Information Security Officer
DHS OIG Liaison
FEMA Audit Liaison
Chief Privacy Officer

Department of Justice

Deputy Attorney General

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees, as appropriate

**Improvements to Information Sharing are Needed to Facilitate Law
Enforcement Efforts During Disasters**

Additional Information and Copies

To obtain additional copies of this report, call the Office of Inspector General (OIG) at (202) 254-4199, fax your request to (202) 254-4305, or visit the OIG web site at www.dhs.gov/oig.

OIG Hotline

To report alleged fraud, waste, abuse or mismanagement, or any other kind of criminal or noncriminal misconduct relative to department programs or operations:

- Call our Hotline at 1-800-323-8603;
- Fax the complaint directly to us at (202) 254-4292;
- Email us at DHSOIGHOTLINE@dhs.gov; or
- Write to us at:
DHS Office of Inspector General/MAIL STOP 2600, Attention:
Office of Investigations - Hotline, 245 Murray Drive, SW,
Building 410, Washington, DC 20528.