

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3512

To establish an advisory group to encourage and foster collaborative efforts among individuals and entities engaged in disaster recovery relating to debris removal, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. SCOTT of Florida (for himself
and Mr. PETERS)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Contract Im-
5 provement Act”.

6 **SEC. 2. OVERSIGHT ON DEBRIS REMOVAL.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Emergency Management Agency.

1 (2) DEBRIS REMOVAL PROGRAM.—The term
2 “debris removal program” means the program estab-
3 lished under section 407 of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42
5 U.S.C. 5173).

6 (b) ADVISORY WORKING GROUP.—

7 (1) IN GENERAL.—The Administrator shall es-
8 tablish an advisory working group to encourage and
9 foster collaborative efforts among individuals and en-
10 tities engaged in disaster recovery relating to debris
11 removal.

12 (2) MEMBERSHIP.—The advisory working
13 group established under paragraph (1) shall be com-
14 prised of—

15 (A) representatives from the Federal
16 Emergency Management Agency;

17 (B) representatives from the Army Corps
18 of Engineers;

19 (C) representatives from the Natural Re-
20 sources Conservation Service of the Department
21 of Agriculture;

22 (D) representatives of States, Tribal gov-
23 ernments, and units of local government; and

1 (E) subject matter experts in debris re-
2 moval, including not less than 1 representative
3 from the debris services contractor industry.

4 (c) GUIDANCE.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator, in consulta-
6 tion with the advisory working group established under
7 subsection (b)(1), shall—

8 (1) determine whether guidance and procedures
9 in effect as of the date of enactment of this Act with
10 respect to the oversight and cost of debris removal
11 contracts entered into under the debris removal pro-
12 gram are sufficient; and

13 (2) if the Administrator, in consultation with
14 the advisory working group established under sub-
15 section (b)(1), determines that the guidance and
16 procedures described in paragraph (1) are insuffi-
17 cient, develop and implement additional such guid-
18 ance and procedures, including—

19 (A) a requirement that each State, Tribal
20 government, and unit of local government re-
21 ceiving a grant under the debris removal pro-
22 gram take the primary role in the oversight
23 function of debris removal;

24 (B) guidance for State, Tribal, and local
25 debris monitors relating to debris removal oper-

1 ations, debris operations oversight, and con-
2 tractor oversight, including contractor moni-
3 toring;

4 (C) guidance for streamlining the reim-
5 bursement of debris costs overall, including de-
6 bris management planning and support for re-
7 silience in debris removal operations;

8 (D) checklists, job aids, eligibility require-
9 ments, contract requirements, debris manage-
10 ment planning guidance, sample bids, and other
11 items, as determined necessary by the Adminis-
12 trator, for State and local debris monitors;

13 (E) a list of the specific debris removal
14 monitoring responsibilities expected to be com-
15 pleted by a State that receives a grant under
16 the debris removal grant program;

17 (F) a list of the specific debris removal
18 monitoring responsibilities expected to be com-
19 pleted by recipients of a grant under the debris
20 removal grant program; and

21 (G) guidance for State and Tribal govern-
22 ments and units of local government to reduce
23 duplication and inefficiency in debris removal
24 contracting across the Federal Government,

1 State and Tribal governments, and units of
2 local government.

3 (d) TRAINING.—The Administrator shall conduct
4 outreach to States, Tribal governments, and units of local
5 government with respect to any guidance or support mate-
6 rials developed under this section.

7 (e) GAO STUDY.—Not later than 1 year after the
8 date of enactment of this Act, the Comptroller General
9 of the United States shall conduct a study that—

10 (1) studies the use and adoption rate of ad-
11 vance contracts for debris removal by selected
12 States, Tribal governments, and units of local gov-
13 ernment;

14 (2) identifies the benefits and challenges of ad-
15 vance contracts for debris removal;

16 (3) with respect to the reporting and informa-
17 tion sharing processes, as of the date of enactment
18 of this Act, for advance contracts for debris removal
19 between States and units of local government and
20 Federal partners—

21 (A) assesses those processes; and

22 (B) makes any necessary recommendations
23 for those processes;

24 (4) studies—

1 (A) the process for setting Federal reim-
2 bursement rates for the debris removal pro-
3 gram;

4 (B) the use of penalties, as of the date of
5 enactment of this Act, for violations of law and
6 regulations relating to debris removal; and

7 (C) fraud, waste, and abuse relating to the
8 debris removal program, including case studies;
9 and

10 (5) makes any necessary recommendations for
11 improvements to oversight and fraud prevention
12 across the debris removal program.