

Calendar No. 439

117TH CONGRESS
2^D SESSION**S. 3512****[Report No. 117–128]**

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 13 (legislative day, JANUARY 10), 2022

Mr. SCOTT of Florida (for himself, Mr. PETERS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 12, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disaster Contract Im-
3 provement Act”.

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

5 (a) **DEFINITIONS.**—In this section:

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

9 (2) **DEBRIS REMOVAL PROGRAM.**—The term
10 “debris removal program” means the program estab-
11 lished under section 407 of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5173).

14 (b) **ADVISORY WORKING GROUP.**—

15 (1) **IN GENERAL.**—The Administrator shall es-
16 tablish an advisory working group to encourage and
17 foster collaborative efforts among individuals and en-
18 tities engaged in disaster recovery relating to debris
19 removal.

20 (2) **MEMBERSHIP.**—The advisory working
21 group established under paragraph (1) shall be com-
22 prised of—

23 (A) representatives from the Federal
24 Emergency Management Agency;

25 (B) representatives from the Army Corps
26 of Engineers;

1 ~~(C)~~ representatives of States and units of
2 local government; and

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

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

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

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

21 ~~(A)~~ a requirement that each State and unit
22 of local government receiving a grant under the
23 debris removal program take the primary role
24 in the oversight function of debris removal;

1 (B) guidance for State and local debris
 2 monitors relating to debris removal operations;
 3 debris operations oversight, and contractor
 4 oversight, including contractor monitoring;

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

10 (D) a list of the specific debris removal
 11 monitoring responsibilities expected to be com-
 12 pleted by a State that receives a grant under
 13 the debris removal grant program;

14 (E) a list of the specific debris removal
 15 monitoring responsibilities expected to be com-
 16 pleted by recipients of a grant under the debris
 17 removal grant program; and

18 (F) guidance for State and units of local
 19 government to reduce duplication and ineffi-
 20 ciency in debris removal contracting across the
 21 Federal Government, State governments, and
 22 units of local government.

23 (d) TRAINING.—The Administrator shall conduct
 24 outreach to States, Tribal governments, and units of local

1 government with respect to any guidance or support mate-
2 rials developed under this section.

3 (c) GAO STUDY.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall conduct a study that—

6 (1) studies the use and adoption rate of ad-
7 vance contracts for debris removal by States and
8 units of local government;

9 (2) identifies the benefits of advance contracts
10 for debris removal;

11 (3) with respect to the reporting and informa-
12 tion sharing processes, as of the date of enactment
13 of this Act, for advance contracts for debris removal
14 between States and units of local government and
15 Federal partners—

16 (A) assesses those processes; and

17 (B) makes any necessary recommendations
18 for those processes;

19 (4) studies—

20 (A) the process for setting Federal reim-
21 bursement rates for the debris removal pro-
22 gram;

23 (B) the use of penalties, as of the date of
24 enactment of this Act, for violations of law and
25 regulations relating to debris removal; and

1 ~~(C) fraud, waste, and abuse relating to the~~
 2 ~~debris removal program, including case studies;~~
 3 ~~and~~
 4 ~~(5) recommends improvements to oversight and~~
 5 ~~fraud prevention across the debris removal program.~~

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Disaster Contract Im-*
 8 *provement Act”.*

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

10 (a) *DEFINITIONS.—In this section:*

11 (1) *ADMINISTRATOR.—The term “Adminis-*
 12 *trator” means the Administrator of the Federal*
 13 *Emergency Management Agency.*

14 (2) *DEBRIS REMOVAL PROGRAM.—The term “de-*
 15 *bris removal program” means the program established*
 16 *under section 407 of the Robert T. Stafford Disaster*
 17 *Relief and Emergency Assistance Act (42 U.S.C.*
 18 *5173).*

19 (b) *ADVISORY WORKING GROUP.—*

20 (1) *IN GENERAL.—The Administrator shall es-*
 21 *tablish an advisory working group to encourage and*
 22 *foster collaborative efforts among individuals and en-*
 23 *tities engaged in disaster recovery relating to debris*
 24 *removal.*

1 (2) *MEMBERSHIP.*—*The advisory working group*
2 *established under paragraph (1) shall be comprised*
3 *of—*

4 (A) *representatives from the Federal Emer-*
5 *gency Management Agency;*

6 (B) *representatives from the Army Corps of*
7 *Engineers;*

8 (C) *representatives from the Natural Re-*
9 *sources Conservation Service of the Department*
10 *of Agriculture;*

11 (D) *representatives of States, Tribal govern-*
12 *ments, and units of local government; and*

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

16 (c) *GUIDANCE.*—*Not later than 1 year after the date*
17 *of enactment of this Act, the Administrator, in consultation*
18 *with the advisory working group established under sub-*
19 *section (b)(1), shall—*

20 (1) *determine whether guidance and procedures*
21 *in effect as of the date of enactment of this Act with*
22 *respect to the oversight and cost of debris removal*
23 *contracts entered into under the debris removal pro-*
24 *gram are sufficient; and*

1 (2) *if the Administrator, in consultation with the*
2 *advisory working group established under subsection*
3 *(b)(1), determines that the guidance and procedures*
4 *described in paragraph (1) are insufficient, develop*
5 *and implement additional such guidance and proce-*
6 *dures, including—*

7 (A) *a requirement that each State, Tribal*
8 *government, and unit of local government receiv-*
9 *ing a grant under the debris removal program*
10 *take the primary role in the oversight function*
11 *of debris removal;*

12 (B) *guidance for State, Tribal, and local de-*
13 *bris monitors relating to debris removal oper-*
14 *ations, debris operations oversight, and con-*
15 *tractor oversight, including contractor moni-*
16 *toring;*

17 (C) *guidance for streamlining the reim-*
18 *bursement of debris costs overall, including de-*
19 *bris management planning and support for resil-*
20 *ience in debris removal operations;*

21 (D) *checklists, job aids, eligibility require-*
22 *ments, contract requirements, debris manage-*
23 *ment planning guidance, sample bids, and other*
24 *items, as determined necessary by the Adminis-*
25 *trator, for State and local debris monitors;*

1 (E) a list of the specific debris removal
2 monitoring responsibilities expected to be com-
3 pleted by a State that receives a grant under the
4 debris removal program;

5 (F) a list of the specific debris removal
6 monitoring responsibilities expected to be com-
7 pleted by recipients of a grant under the debris
8 removal program; and

9 (G) guidance for State and Tribal govern-
10 ments and units of local government to reduce
11 duplication and inefficiency in debris removal
12 contracting across the Federal Government, State
13 and Tribal governments, and units of local gov-
14 ernment.

15 (d) *TRAINING.*—The Administrator shall conduct out-
16 reach to States, Tribal governments, and units of local gov-
17 ernment with respect to any guidance or support materials
18 developed under this section.

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

22 (1) studies the use and adoption rate of advance
23 contracts for debris removal by selected States, Tribal
24 governments, and units of local government;

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

3 (3) *with respect to the reporting and information*
4 *sharing processes, as of the date of enactment of this*
5 *Act, for advance contracts for debris removal between*
6 *States and units of local government and Federal*
7 *partners—*

8 (A) *assesses those processes; and*

9 (B) *makes any necessary recommendations*
10 *for those processes;*

11 (4) *studies—*

12 (A) *the process for setting Federal reim-*
13 *bursement rates for the debris removal program;*

14 (B) *the use of penalties, as of the date of en-*
15 *actment of this Act, for violations of law and*
16 *regulations relating to debris removal; and*

17 (C) *fraud, waste, and abuse relating to the*
18 *debris removal program, including case studies;*
19 *and*

20 (5) *makes any necessary recommendations for*
21 *improvements to oversight and fraud prevention*
22 *across the debris removal program.*

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