

Union Calendar No. 667

118TH CONGRESS
2D SESSION

H. R. 8728

[Report No. 118–816]

To establish alternate procedures for lump sum payments for certain covered small disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2024

Mr. GRAVES of Louisiana (for himself and Mr. MOSKOWITZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 5, 2024

Additional sponsors: Mr. MOYLAN, Mr. CARTER of Louisiana, and Mr. KILEY

DECEMBER 5, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 13, 2024]

A BILL

To establish alternate procedures for lump sum payments for certain covered small disasters, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “State-Managed Disaster*
5 *Relief Act”.*

6 **SEC. 2. ALTERNATIVE PROCEDURES FOR COVERED SMALL**
7 **DISASTERS.**

8 *The Robert T. Stafford Disaster Relief and Emergency*
9 *Assistance Act (42 U.S.C. 5121 et. seq) is amended by add-*
10 *ing at the end the following:*

11 **“TITLE VIII—ALTERNATIVE PRO-**
12 **CEDURES FOR COVERED**
13 **SMALL DISASTERS**

14 **“SEC. 801. ALTERNATIVE PROCEDURES FOR COVERED**
15 **SMALL DISASTERS.**

16 *“(a) IN GENERAL.—The Governor of a State or the*
17 *governing body of an Indian tribal government for the area*
18 *in which a covered small disaster occurs may request a*
19 *lump sum payment of the estimated damages calculated*
20 *under subsection (b) for such disaster in lieu of any assist-*
21 *ance under the Public Assistance Program for such disaster.*

22 *“(b) CALCULATION.—Notwithstanding the require-*
23 *ments of section 206.47(b) of title 44, Code of Federal Regu-*
24 *lations, a payment under subsection (a) shall be equal to*
25 *the amount that is 80 percent of the total estimated cost*

1 *of assistance under the Public Assistance Program for a cov-*
2 *ered small disaster in the area of jurisdiction of the State*
3 *or Indian tribal government requesting such payment.*

4 “(c) *LIMITATIONS.—*

5 “(1) *IN GENERAL.—A State or Indian tribal*
6 *government receiving a payment under this section*
7 *may not receive assistance under the Public Assist-*
8 *ance Program with respect to the covered small dis-*
9 *aster for which a payment was accepted under this*
10 *section.*

11 “(2) *FINAL PAYMENT.—*

12 “(A) *IN GENERAL.—A payment under this*
13 *section may not be increased or decreased based*
14 *on actual costs calculated for a covered small*
15 *disaster.*

16 “(B) *EXCEPTION.—Notwithstanding sub-*
17 *paragraph (A), the Administrator may adjust a*
18 *payment under this section in the event of un-*
19 *foreseen circumstances at no fault of the appli-*
20 *cant.*

21 “(3) *SELECTION OF OPTION.—A State or Indian*
22 *tribal government may designate to the Federal*
23 *Emergency Management Agency on an annual basis*
24 *the interest of such State or Indian tribal government*
25 *in participating in the small disaster authority.*

1 “(4) *INDICATION.*—A State or Indian tribal gov-
2 *ernment shall indicate at the time of the submission*
3 *of a request for a major disaster declaration that such*
4 *State or Indian tribal government is requesting as-*
5 *istance for such incident under this section.*

6 “(5) *TIMING REQUIREMENT.*—The Administrator
7 *and the State or Indian tribal government shall—*

8 “(A) *reach an agreement on the amount*
9 *under subsection (b) not later than 90 days after*
10 *the incident; or*

11 “(B) *administer the incident under the pro-*
12 *cedures and authorities for the Public Assistance*
13 *Program.*

14 “(6) *ADMINISTRATIVE PLAN.*—To be eligible for
15 *assistance under this section, a State or Indian tribal*
16 *government shall have an approved administrative*
17 *plan in place at the time of the obligation of funds*
18 *provided under this section.*

19 “(d) *USE OF FUNDS.*—A State or Indian tribal gov-
20 *ernment receiving a payment under this section may use*
21 *such payment for recovery for the covered small disaster in*
22 *any manner determined appropriate by the respective Gov-*
23 *ernor or governing body of such State or Indian tribal gov-*
24 *ernment if such funds—*

1 “(1) address impacts and needs resulting from
2 the declared disaster incident;

3 “(2) are provided to State, Indian tribal govern-
4 ment, territorial and local government agencies, and
5 private non-profit entities eligible for Public Assist-
6 ance Program funding; and

7 “(3) are used in a manner that complies with
8 applicable environmental, historic preservation, and
9 civil rights laws (including the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
11 and the National Historic Preservation Act of 1966
12 (54 U.S.C. 300101 et seq.)) and any applicable resil-
13 iency standards under section 203.

14 “(e) COMPLIANCE WITH OTHER LAWS AND REGULA-
15 TIONS.—A State or Indian tribal government shall be re-
16 sponsible for ensuring compliance under subsection (d)(3).

17 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to affect the eligibility of a State
19 or Indian tribal government for assistance under section
20 404.

21 “(g) REPORT TO FEMA.—A State or governing body
22 of an Indian tribal government shall submit to the Federal
23 Emergency Management Agency an annual report of ex-
24 penses for a covered small disaster in the area of jurisdic-
25 tion of the respective State or Indian tribal government.

1 “(h) *SAVINGS CLAUSE.*—*Nothing in this section shall*
2 *be construed to affect any program in title IV or V that*
3 *is not a Public Assistance Program.*

4 “(i) *DEFINITIONS.*—*In this section:*

5 “(1) *COVERED SMALL DISASTER.*—*The term ‘cov-*
6 *ered small disaster’ means a major disaster declared*
7 *under section 401 or an emergency declared under*
8 *section 501 with estimated damage eligible under the*
9 *Public Assistance Program of less than or equal to*
10 *125 percent of the State’s per capita indicator.*

11 “(2) *PUBLIC ASSISTANCE PROGRAM.*—*The term*
12 *‘Public Assistance Program’ means the programs*
13 *under sections 403, 406, 407, and 502.’.*

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