

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8728
OFFERED BY MR. GRAVES OF LOUISIANA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State-Managed Dis-
3 aster Relief Act”.

4 **SEC. 2. ALTERNATIVE PROCEDURES FOR COVERED SMALL
5 DISASTERS.**

6 The Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5121 et. seq) is amended
8 by adding at the end the following:

9 **“TITLE VIII—ALTERNATIVE PRO-
10 CEDURES FOR COVERED
11 SMALL DISASTERS**

12 **“SEC. 801. ALTERNATIVE PROCEDURES FOR COVERED
13 SMALL DISASTERS.**

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

1 ance under the Public Assistance Program for such dis-
2 aster.

3 “(b) CALCULATION.—Notwithstanding the require-
4 ments of section 206.47(b) of title 44, Code of Federal
5 Regulations, a payment under subsection (a) shall be
6 equal to the amount that is 80 percent of the total esti-
7 mated cost of assistance under the Public Assistance Pro-
8 gram for a covered small disaster in the area of jurisdic-
9 tion of the State or Indian tribal government requesting
10 such payment.

11 “(c) LIMITATIONS.—

12 “(1) IN GENERAL.—A State or Indian tribal
13 government receiving a payment under this section
14 may not receive assistance under the Public Assist-
15 ance Program with respect to the covered small dis-
16 aster for which a payment was accepted under this
17 section.

18 “(2) FINAL PAYMENT.—

19 “(A) IN GENERAL.—A payment under this
20 section may not be increased or decreased based
21 on actual costs calculated for a covered small
22 disaster.

23 “(B) EXCEPTION.—Notwithstanding sub-
24 paragraph (A), the Administrator may adjust a
25 payment under this section in the event of un-

1 foreseen circumstances at no fault of the appli-
2 cant.

3 “(3) SELECTION OF OPTION.—A State or In-
4 dian tribal government may designate to the Federal
5 Emergency Management Agency on an annual basis
6 the interest of such State or Indian tribal govern-
7 ment in participating in the small disaster authority.

8 “(4) INDICATION.—A State or Indian tribal
9 government shall indicate at the time of the submis-
10 sion of a request for a major disaster declaration
11 that such State or Indian tribal government is re-
12 questing assistance for such incident under this sec-
13 tion.

14 “(5) TIMING REQUIREMENT.—The Adminis-
15 trator and the State or Indian tribal government
16 shall—

17 “(A) reach an agreement on the amount
18 under subsection (b) not later than 90 days
19 after the incident; or

20 “(B) administer the incident under the
21 procedures and authorities for the Public As-
22 sistance Program.

23 “(6) ADMINISTRATIVE PLAN.—To be eligible for
24 assistance under this section, a State or Indian trib-
25 al government shall have an approved administrative

1 plan in place at the time of the obligation of funds
2 provided under this section.

3 “(d) USE OF FUNDS.—A State or Indian tribal gov-
4 ernment receiving a payment under this section may use
5 such payment for recovery for the covered small disaster
6 in any manner determined appropriate by the respective
7 Governor or governing body of such State or Indian tribal
8 government if such funds—

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

11 “(2) are provided to State, Indian tribal govern-
12 ment, territorial and local government agencies, and
13 private non-profit entities eligible for Public Assist-
14 ance Program funding; and

15 “(3) are used in a manner that complies with
16 applicable environmental, historic preservation, and
17 civil rights laws (including the National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
19 and the National Historic Preservation Act of 1966
20 (54 U.S.C. 300101 et seq.)) and any applicable re-
21 siliency standards under section 203.

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

1 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to affect the eligibility of a State
3 or Indian tribal government for assistance under section
4 404.

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

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

13 “(i) DEFINITIONS.—In this section:

14 “(1) COVERED SMALL DISASTER.—The term
15 ‘covered small disaster’ means a major disaster de-
16 clared under section 401 or an emergency declared
17 under section 501 with estimated damage eligible
18 under the Public Assistance Program of less than or
19 equal to 125 percent of the State’s per capita indi-
20 cator.

21 “(2) PUBLIC ASSISTANCE PROGRAM.—The term
22 ‘Public Assistance Program’ means the programs
23 under sections 403, 406, 407, and 502.”.

