

AMENDMENT TO H.R.
OFFERED BY MR. DENHAM OF CALIFORNIA

Page 33, line 3, strike the quotation mark and the period and insert the following:

1 “(g) ADDITIONAL MITIGATION ASSISTANCE.—

2 “(1) IN GENERAL.—If, at the time of a declara-
3 tion of a major disaster, the affected State has in
4 effect and is actively enforcing throughout the State
5 an approved State building code, the President may
6 increase the maximum total of contributions under
7 this section for the major disaster, as specified in
8 subsection (a) and section 322(e), by an amount
9 equal to 4 percent of the estimated aggregate
10 amount of grants to be made (less any associated
11 administrative costs) under this Act with respect to
12 the major disaster.

13 “(2) SUBMISSION.—To be eligible for an in-
14 creased Federal share under paragraph (1), a State
15 shall submit its State building code to the President
16 for approval.

17 “(3) APPROVAL.—The President shall approve
18 a State building code submitted under paragraph (2)
19 if the President determines that the building code—

1 “(A) is consistent with the most recent
2 version of a nationally recognized model build-
3 ing code;

4 “(B) has been adopted by the State within
5 6 years of the most recent version of the na-
6 tionally recognized model building code; and

7 “(C) uses the nationally recognized model
8 building code as a minimum standard.

9 “(4) PERIODIC UPDATES.—The President, act-
10 ing through the Administrator, shall set appropriate
11 standards, by regulation, for the periodic update, re-
12 submittal, and approval of a State building code ap-
13 proved by the President in accordance with para-
14 graph (3) that are consistent with similar require-
15 ments related to mitigation planning under section
16 322.

17 “(5) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions apply:

19 “(A) ACTIVELY ENFORCING.—The term
20 ‘actively enforcing’ means effective jurisdic-
21 tional execution of all phases of a State building
22 code in the process of examination and approval
23 of construction plans, specifications, and tech-
24 nical data and the inspection of new construc-
25 tion or renovation.

1 “(B) NATIONALLY RECOGNIZED MODEL
2 BUILDING CODE.—The term ‘nationally recog-
3 nized model building code’ means a building
4 code for residential and commercial construc-
5 tion and construction materials that—

6 “(i) has been developed and published
7 by a code organization in an open con-
8 sensus type forum with input from na-
9 tional experts; and

10 “(ii) is based on national structural
11 design standards that establish minimum
12 acceptable criteria for the design, construc-
13 tion, and maintenance of residential and
14 commercial buildings for the purpose of
15 protecting the health, safety, and general
16 welfare of the building’s users against nat-
17 ural disasters.

18 “(C) STATE BUILDING CODE.—The term
19 ‘State building code’ means requirements and
20 associated standards for residential and com-
21 mercial construction and construction materials
22 that are implemented on a statewide basis by
23 ordinance, resolution, law, housing or building
24 code, or zoning ordinance. At a minimum, such

1 requirements and associated standards shall
2 apply—

3 “(i) to construction-related activities
4 of residential building contractors applica-
5 ble to single-family and 2-family residential
6 structures; and

7 “(ii) to construction-related activities
8 of engineers, architects, designers, and
9 commercial building contractors applicable
10 to the structural safety, design, and con-
11 struction of commercial, industrial, and
12 multifamily structures.

13 “(6) REGULATIONS.—Not later than 180 days
14 after the date of enactment of this subsection, the
15 President, acting through the Administrator of the
16 Federal Emergency Management Agency, shall issue
17 such regulations as may be necessary to carry out
18 this subsection.”.

Page 33, after line 3, insert the following:

19 **SEC. 403. PREDISASTER HAZARD MITIGATION.**

20 (a) USES OF TECHNICAL AND FINANCIAL ASSIST-
21 ANCE.—Section 203(e)(1)(B) of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42 U.S.C.
23 5133(e)(1)(B)) is amended—

24 (1) by striking “or” at the end of clause (ii);

1 (2) by striking the period at the end of clause
2 (iii) and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(iv) to establish and operate a build-
5 ing department and carry out enforcement
6 activities to implement a State building
7 code approved under section 404(g).”.

8 (b) CRITERIA FOR ASSISTANCE AWARDS.—Section
9 203(g) of such Act (42 U.S.C. 5133(g)) is amended—

10 (1) by striking “and” at the end of paragraph
11 (9);

12 (2) by redesignating paragraph (10) as para-
13 graph (11); and

14 (3) by inserting after paragraph (9) the fol-
15 lowing:

16 “(10) the extent to which the State or local
17 government is carrying out activities to implement a
18 State building code approved under section 404(g)
19 and”.

