

AMENDMENT TO H.R. 3300
OFFERED BY MR. DENHAM OF CALIFORNIA

At the end of the bill, add the following:

1 **SEC. ____ . ADDITIONAL MITIGATION ASSISTANCE.**

2 (a) **IN GENERAL.**—Section 404 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5170e) is amended by adding at the end the
5 following:

6 “(f) **ADDITIONAL MITIGATION ASSISTANCE.**—

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

18 “(2) **SUBMISSION.**—To be eligible for an in-
19 creased Federal share under paragraph (1), a State

1 shall certify to the President that the State has a
2 building code that—

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

6 “(B) has been adopted by the State within
7 6 years of the most recent version of the na-
8 tionally recognized model building code; and

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

11 “(3) APPROVAL.—The President shall approve
12 the additional assistance under this section, if the
13 President determines that the certification of the
14 State provided under paragraph (2) is sufficient and
15 is submitted not later than 90 days after the date
16 of a declared disaster.

17 “(4) PERIODIC UPDATES.—The President, act-
18 ing through the Administrator, shall set appropriate
19 standards, by regulation, for the periodic update, re-
20 submittal, and approval of a State building code ap-
21 proved by the President in accordance with para-
22 graph (3) that are consistent with similar require-
23 ments related to mitigation planning under section
24 322.

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

3 “(A) ACTIVELY ENFORCING.—The term
4 ‘actively enforcing’ means effective jurisdic-
5 tional execution of all phases of a State building
6 code in the process of examination and approval
7 of construction plans, specifications, and tech-
8 nical data and the inspection of new construc-
9 tion or renovation.

10 “(B) NATIONALLY RECOGNIZED MODEL
11 BUILDING CODE.—The term ‘nationally recog-
12 nized model building code’ means a building
13 code for residential and commercial construc-
14 tion and construction materials that—

15 “(i) has been developed and published
16 by a code organization in an open con-
17 sensus type forum with input from na-
18 tional experts; and

19 “(ii) is based on national structural
20 design standards that establish minimum
21 acceptable criteria for the design, construc-
22 tion, and maintenance of residential and
23 commercial buildings for the purpose of
24 protecting the health, safety, and general

1 welfare of the building's users against nat-
2 ural disasters.

3 “(C) STATE BUILDING CODE.—The term
4 ‘State building code’ means requirements and
5 associated standards for residential and com-
6 mercial construction and construction materials
7 that are implemented on a statewide basis by
8 ordinance, resolution, law, housing or building
9 code, or zoning ordinance. At a minimum, such
10 requirements and associated standards shall
11 apply—

12 “(i) to construction-related activities
13 of residential building contractors applica-
14 ble to single-family and 2-family residential
15 structures; and

16 “(ii) to construction-related activities
17 of engineers, architects, designers, and
18 commercial building contractors applicable
19 to the structural safety, design, and con-
20 struction of commercial, industrial, and
21 multifamily structures.

22 “(6) REGULATIONS.—Not later than 180 days
23 after the date of enactment of this subsection, the
24 President, acting through the Administrator of the
25 Federal Emergency Management Agency, shall issue

1 such regulations as may be necessary to carry out
2 this subsection.”.

3 (b) APPLICABILITY.—Section 404(f) of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act,
5 as added by this section, shall apply to major disasters
6 declared on or after October 24, 2012. Major disasters
7 declared during the period beginning on October 24, 2012,
8 and ending on the date of enactment of this Act, shall
9 have 90 days from date of enactment of this Act to submit
10 the certification required under 404(f)(2) of the Robert
11 T. Stafford Disaster Relief and Emergency Assistance
12 Act, as added by this Act.

