

**AMENDMENT OFFERED BY MR. DIAZ-BALART OF
FLORIDA
TO THE AMENDMENT OFFERED BY MR.
FRELINGHUYSEN OF NEW JERSEY**

Page 27, after line 24, insert the following:

1 GENERAL PROVISION—THIS CHAPTER

2 SEC. 1061. (a) IN GENERAL.—With respect to a
3 State for the President has declared a major disaster in
4 connection with Hurricane Sandy, if the State has in ef-
5 fect and is actively enforcing throughout the State an ap-
6 proved State building code, the President shall increase
7 the total Federal contributions to the State under section
8 404(a) of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5170c), for the
10 major disaster, as specified in sections 404(a) and 322(e)
11 of that Act (42 U.S.C. 5170c and 5165(e)), by an amount
12 equal to 5 percent.

13 (b) SUBMISSION.—To be eligible for an increased
14 Federal share under subsection (a), a State shall submit
15 its State building code to the President for approval not
16 later than 2 years after the date of enactment of this Act.

1 (c) APPROVAL.—The President shall approve a State
2 building code submitted under subsection (b) if the Presi-
3 dent determines that the building code—

4 (1) is consistent with the most recent version of
5 a nationally recognized model building code;

6 (2) has been adopted by the State within 6
7 years of the most recent version of the nationally
8 recognized model building code; and

9 (3) uses the nationally recognized model build-
10 ing code as a minimum standard.

11 (d) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) ACTIVELY ENFORCING.—The term “actively
14 enforcing” means effective jurisdictional execution of
15 all phases of a State building code in the process of
16 examination and approval of construction plans,
17 specifications, and technical data and the inspection
18 of new construction or renovation.

19 (2) NATIONALLY RECOGNIZED MODEL BUILD-
20 ING CODE.—The term “nationally recognized model
21 building code” means a building code for residential
22 and commercial construction and construction mate-
23 rials that—

1 (A) has been developed and published by a
2 code organization in an open consensus type
3 forum with input from national experts;

4 (B) is based on national structural design
5 standards that establish minimum acceptable
6 criteria for the design, construction, and main-
7 tenance of residential and commercial buildings
8 for the purpose of protecting the health, safety,
9 and general welfare of the building's users
10 against natural disasters; and

11 (C) meets the requirements described in
12 FORTIFIED for Safer Living Builders Guide
13 and FORTIFIED for Safer Business Stand-
14 ards, respectively, published by the Insurance
15 Institute for Business and Home Safety.

16 (3) STATE BUILDING CODE.—The term “State
17 building code” means requirements and associated
18 standards for residential and commercial construc-
19 tion and construction materials that are imple-
20 mented on a statewide basis by ordinance, resolu-
21 tion, law, housing or building code, or zoning ordi-
22 nance. At a minimum, such requirements and associ-
23 ated standards shall apply—

24 (A) to construction-related activities of res-
25 idential building contractors applicable to sin-

1 gle-family and 2-family residential structures;
2 and

3 (B) to construction-related activities of en-
4 gineers, architects, designers, and commercial
5 building contractors applicable to the structural
6 safety, design, and construction of commercial,
7 industrial, and multifamily structures.

8 (e) REGULATIONS.—The President, acting through
9 the Administrator of the Federal Emergency Management
10 Agency, shall issue such regulations as may be necessary
11 to carry out this section.

