

In the Senate of the United States,

September 9, 2002.

Resolved, That the bill from the House of Representatives (H.R. 4687) entitled “An Act to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Construction*

3 *Safety Team Act”.*

1 **SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.**

2 (a) *ESTABLISHMENT.*—*The Director of the National*
3 *Institute of Standards and Technology (in this Act referred*
4 *to as the “Director”)* is authorized to establish National
5 *Construction Safety Teams (in this Act referred to as a*
6 *“Team”)* for deployment after events causing the failure of
7 *a building or buildings that has resulted in substantial loss*
8 *of life or that posed significant potential for substantial loss*
9 *of life. To the maximum extent practicable, the Director*
10 *shall establish and deploy a Team within 48 hours after*
11 *such an event. The Director shall promptly publish in the*
12 *Federal Register notice of the establishment of each Team.*

13 (b) *PURPOSE OF INVESTIGATION; DUTIES.*—

14 (1) *PURPOSE.*—*The purpose of investigations by*
15 *Teams is to improve the safety and structural integ-*
16 *riety of buildings in the United States.*

17 (2) *DUTIES.*—*A Team shall—*

18 (A) *establish the likely technical cause or*
19 *causes of the building failure;*

20 (B) *evaluate the technical aspects of evacu-*
21 *ation and emergency response procedures;*

22 (C) *recommend, as necessary, specific im-*
23 *provements to building standards, codes, and*
24 *practices based on the findings made pursuant to*
25 *subparagraphs (A) and (B); and*

1 (D) recommend any research and other ap-
2 propriate actions needed to improve the struc-
3 tural safety of buildings, and improve evacu-
4 ation and emergency response procedures, based
5 on the findings of the investigation.

6 (c) PROCEDURES.—

7 (1) DEVELOPMENT.—Not later than 3 months
8 after the date of the enactment of this Act, the Direc-
9 tor, in consultation with the United States Fire Ad-
10 ministration and other appropriate Federal agencies,
11 shall develop procedures for the establishment and de-
12 ployment of Teams. The Director shall update such
13 procedures as appropriate. Such procedures shall in-
14 clude provisions—

15 (A) regarding conflicts of interest related to
16 service on the Team;

17 (B) defining the circumstances under which
18 the Director will establish and deploy a Team;

19 (C) prescribing the appropriate size of
20 Teams;

21 (D) guiding the disclosure of information
22 under section 8;

23 (E) guiding the conduct of investigations
24 under this Act, including procedures for pro-
25 viding written notice of inspection authority

1 under section 4(a) and for ensuring compliance
2 with any other applicable law;

3 (F) identifying and prescribing appropriate
4 conditions for the provision by the Director of
5 additional resources and services Teams may
6 need;

7 (G) to ensure that investigations under this
8 Act do not impede and are coordinated with any
9 search and rescue efforts being undertaken at the
10 site of the building failure;

11 (H) for regular briefings of the public on
12 the status of the investigative proceedings and
13 findings;

14 (I) guiding the Teams in moving and pre-
15 serving evidence as described in section 4 (a)(4),
16 (b)(2), and (d)(4);

17 (J) providing for coordination with Fed-
18 eral, State, and local entities that may sponsor
19 research or investigations of building failures,
20 including research conducted under the Earth-
21 quake Hazards Reduction Act of 1977; and

22 (K) regarding such other issues as the Di-
23 rector considers appropriate.

24 (2) PUBLICATION.—The Director shall publish
25 promptly in the Federal Register final procedures,

1 *and subsequent updates thereof, developed under para-*
2 *graph (1).*

3 **SEC. 3. COMPOSITION OF TEAMS.**

4 *Each Team shall be composed of individuals selected*
5 *by the Director and led by an individual designated by the*
6 *Director. Team members shall include at least 1 employee*
7 *of the National Institute of Standards and Technology and*
8 *shall include other experts who are not employees of the Na-*
9 *tional Institute of Standards and Technology, who may in-*
10 *clude private sector experts, university experts, representa-*
11 *tives of professional organizations with appropriate exper-*
12 *tise, and appropriate Federal, State, or local officials. Team*
13 *members who are not Federal employees shall be considered*
14 *Federal Government contractors.*

15 **SEC. 4. AUTHORITIES.**

16 *(a) ENTRY AND INSPECTION.—In investigating a*
17 *building failure under this Act, members of a Team, and*
18 *any other person authorized by the Director to support a*
19 *Team, on display of appropriate credentials provided by*
20 *the Director and written notice of inspection authority,*
21 *may—*

22 *(1) enter property where a building failure being*
23 *investigated has occurred, or where building compo-*
24 *nents, materials, and artifacts with respect to the*
25 *building failure are located, and take action nec-*

1 *essary, appropriate, and reasonable in light of the na-*
2 *ture of the property to be inspected to carry out the*
3 *duties of the Team under section 2(b)(2) (A) and (B);*

4 *(2) during reasonable hours, inspect any record*
5 *(including any design, construction, or maintenance*
6 *record), process, or facility related to the investiga-*
7 *tion;*

8 *(3) inspect and test any building components,*
9 *materials, and artifacts related to the building fail-*
10 *ure; and*

11 *(4) move such records, components, materials,*
12 *and artifacts as provided by the procedures developed*
13 *under section 2(c)(1).*

14 *(b) AVOIDING UNNECESSARY INTERFERENCE AND*
15 *PRESERVING EVIDENCE.—An inspection, test, or other ac-*
16 *tion taken by a Team under this section shall be conducted*
17 *in a way that—*

18 *(1) does not interfere unnecessarily with services*
19 *provided by the owner or operator of the building*
20 *components, materials, or artifacts, property, records,*
21 *process, or facility; and*

22 *(2) to the maximum extent feasible, preserves*
23 *evidence related to the building failure, consistent*
24 *with the ongoing needs of the investigation.*

25 *(c) COORDINATION.—*

1 (1) *WITH SEARCH AND RESCUE EFFORTS.*—A
2 Team shall not impede, and shall coordinate its in-
3 vestigation with, any search and rescue efforts being
4 undertaken at the site of the building failure.

5 (2) *WITH OTHER RESEARCH.*—A Team shall co-
6 ordinate its investigation, to the extent practicable,
7 with qualified researchers who are conducting engi-
8 neering or scientific (including social science) re-
9 search relating to the building failure.

10 (3) *MEMORANDA OF UNDERSTANDING.*—The Na-
11 tional Institute of Standards and Technology shall
12 enter into a memorandum of understanding with each
13 Federal agency that may conduct or sponsor a related
14 investigation, providing for coordination of investiga-
15 tions.

16 (4) *WITH STATE AND LOCAL AUTHORITIES.*—A
17 Team shall cooperate with State and local authorities
18 carrying out any activities related to a Team's inves-
19 tigation.

20 (d) *INTERAGENCY PRIORITIES.*—

21 (1) *IN GENERAL.*—Except as provided in para-
22 graph (2) or (3), a Team investigation shall have pri-
23 ority over any other investigation of any other Fed-
24 eral agency.

1 (2) *NATIONAL TRANSPORTATION SAFETY*
2 *BOARD.—If the National Transportation Safety*
3 *Board is conducting an investigation related to an*
4 *investigation of a Team, the National Transportation*
5 *Safety Board investigation shall have priority over*
6 *the Team investigation. Such priority shall not other-*
7 *wise affect the authority of the Team to continue its*
8 *investigation under this Act.*

9 (3) *CRIMINAL ACTS.—If the Attorney General, in*
10 *consultation with the Director, determines, and noti-*
11 *fies the Director, that circumstances reasonably indi-*
12 *cate that the building failure being investigated by a*
13 *Team may have been caused by a criminal act, the*
14 *Team shall relinquish investigative priority to the ap-*
15 *propriate law enforcement agency. The relinquish-*
16 *ment of investigative priority by the Team shall not*
17 *otherwise affect the authority of the Team to continue*
18 *its investigation under this Act.*

19 (4) *PRESERVATION OF EVIDENCE.—If a Federal*
20 *law enforcement agency suspects and notifies the Di-*
21 *rector that a building failure being investigated by a*
22 *Team under this Act may have been caused by a*
23 *criminal act, the Team, in consultation with the Fed-*
24 *eral law enforcement agency, shall take necessary ac-*

1 *tions to ensure that evidence of the criminal act is*
 2 *preserved.*

3 **SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUB-**
 4 **POENAS.**

5 (a) *GENERAL AUTHORITY.*—*The Director or his des-*
 6 *ignee, on behalf of a Team, may conduct hearings, admin-*
 7 *ister oaths, and require, by subpoena (pursuant to sub-*
 8 *section (e)) and otherwise, necessary witnesses and evidence*
 9 *as necessary to carry out this Act.*

10 (b) *BRIEFINGS.*—*The Director or his designee (who*
 11 *may be the leader or a member of a Team), on behalf of*
 12 *a Team, shall hold regular public briefings on the status*
 13 *of investigative proceedings and findings, including a final*
 14 *briefing after the report required by section 8 is issued.*

15 (c) *PUBLIC HEARINGS.*—*During the course of an in-*
 16 *vestigation by a Team, the National Institute of Standards*
 17 *and Technology may, if the Director considers it to be in*
 18 *the public interest, hold a public hearing for the purposes*
 19 *of—*

20 (1) *gathering testimony from witnesses; and*

21 (2) *informing the public on the progress of the*
 22 *investigation.*

23 (d) *PRODUCTION OF WITNESSES.*—*A witness or evi-*
 24 *dence in an investigation under this Act may be summoned*
 25 *or required to be produced from any place in the United*

1 *States. A witness summoned under this subsection is enti-*
2 *tled to the same fee and mileage the witness would have*
3 *been paid in a court of the United States.*

4 (e) *ISSUANCE OF SUBPOENAS.*—*A subpoena shall be*
5 *issued only under the signature of the Director but may*
6 *be served by any person designated by the Director.*

7 (f) *FAILURE TO OBEY SUBPOENA.*—*If a person dis-*
8 *obeys a subpoena issued by the Director under this Act, the*
9 *Attorney General, acting on behalf of the Director, may*
10 *bring a civil action in a district court of the United States*
11 *to enforce the subpoena. An action under this subsection*
12 *may be brought in the judicial district in which the person*
13 *against whom the action is brought resides, is found, or does*
14 *business. The court may punish a failure to obey an order*
15 *of the court to comply with the subpoena as a contempt*
16 *of court.*

17 **SEC. 6. ADDITIONAL POWERS.**

18 *In order to support Teams in carrying out this Act,*
19 *the Director may—*

20 (1) *procure the temporary or intermittent serv-*
21 *ices of experts or consultants under section 3109 of*
22 *title 5, United States Code;*

23 (2) *request the use, when appropriate, of avail-*
24 *able services, equipment, personnel, and facilities of a*

1 *department, agency, or instrumentality of the United*
2 *States Government on a reimbursable or other basis;*

3 (3) *confer with employees and request the use of*
4 *services, records, and facilities of State and local gov-*
5 *ernmental authorities;*

6 (4) *accept voluntary and uncompensated serv-*
7 *ices;*

8 (5) *accept and use gifts of money and other*
9 *property, to the extent provided in advance in appro-*
10 *priations Acts;*

11 (6) *make contracts with nonprofit entities to*
12 *carry out studies related to purpose, functions, and*
13 *authorities of the Teams; and*

14 (7) *provide nongovernmental members of the*
15 *Team reasonable compensation for time spent car-*
16 *rying out activities under this Act.*

17 **SEC. 7. DISCLOSURE OF INFORMATION.**

18 (a) *GENERAL RULE.*—*Except as otherwise provided in*
19 *this section, a copy of a record, information, or investiga-*
20 *tion submitted or received by a Team shall be made avail-*
21 *able to the public on request and at reasonable cost.*

22 (b) *EXCEPTIONS.*—*Subsection (a) does not require the*
23 *release of—*

1 (1) *information described by section 552(b) of*
2 *title 5, United States Code, or protected from disclo-*
3 *sure by any other law of the United States; or*

4 (2) *information described in subsection (a) by*
5 *the National Institute of Standards and Technology*
6 *or by a Team until the report required by section 8*
7 *is issued.*

8 (c) *PROTECTION OF VOLUNTARY SUBMISSION OF IN-*
9 *FORMATION.—Notwithstanding any other provision of law,*
10 *a Team, the National Institute of Standards and Tech-*
11 *nology, and any agency receiving information from a Team*
12 *or the National Institute of Standards and Technology,*
13 *shall not disclose voluntarily provided safety-related infor-*
14 *mation if that information is not directly related to the*
15 *building failure being investigated and the Director finds*
16 *that the disclosure of the information would inhibit the vol-*
17 *untary provision of that type of information.*

18 (d) *PUBLIC SAFETY INFORMATION.—A Team and the*
19 *National Institute of Standards and Technology shall not*
20 *publicly release any information it receives in the course*
21 *of an investigation under this Act if the Director finds that*
22 *the disclosure of that information might jeopardize public*
23 *safety.*

1 **SEC. 8. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.**

2 *Not later than 90 days after completing an investiga-*
3 *tion, a Team shall issue a public report which includes—*

4 *(1) an analysis of the likely technical cause or*
5 *causes of the building failure investigated;*

6 *(2) any technical recommendations for changes*
7 *to or the establishment of evacuation and emergency*
8 *response procedures;*

9 *(3) any recommended specific improvements to*
10 *building standards, codes, and practices; and*

11 *(4) recommendations for research and other ap-*
12 *propriate actions needed to help prevent future build-*
13 *ing failures.*

14 **SEC. 9. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
15 **NOLOGY ACTIONS.**

16 *After the issuance of a public report under section 8,*
17 *the National Institute of Standards and Technology shall*
18 *comprehensively review the report and, working with the*
19 *United States Fire Administration and other appropriate*
20 *Federal and non-Federal agencies and organizations—*

21 *(1) conduct, or enable or encourage the con-*
22 *ducting of, appropriate research recommended by the*
23 *Team; and*

24 *(2) promote (consistent with existing procedures*
25 *for the establishment of building standards, codes, and*
26 *practices) the appropriate adoption by the Federal*

1 *Government, and encourage the appropriate adoption*
2 *by other agencies and organizations, of the rec-*
3 *ommendations of the Team with respect to—*

4 *(A) technical aspects of evacuation and*
5 *emergency response procedures;*

6 *(B) specific improvements to building*
7 *standards, codes, and practices; and*

8 *(C) other actions needed to help prevent fu-*
9 *ture building failures.*

10 **SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
11 **NOLOGY ANNUAL REPORT.**

12 *Not later than February 15 of each year, the Director*
13 *shall transmit to the Committee on Science of the House*
14 *of Representatives and to the Committee on Commerce,*
15 *Science, and Transportation of the Senate a report that*
16 *includes—*

17 *(1) a summary of the investigations conducted*
18 *by Teams during the prior fiscal year;*

19 *(2) a summary of recommendations made by the*
20 *Teams in reports issued under section 8 during the*
21 *prior fiscal year and a description of the extent to*
22 *which those recommendations have been implemented;*
23 *and*

24 *(3) a description of the actions taken to improve*
25 *building safety and structural integrity by the Na-*

1 *tional Institute of Standards and Technology during*
2 *the prior fiscal year in response to reports issued*
3 *under section 8.*

4 **SEC. 11. ADVISORY COMMITTEE.**

5 (a) *ESTABLISHMENT AND FUNCTIONS.*—*The Director,*
6 *in consultation with the United States Fire Administration*
7 *and other appropriate Federal agencies, shall establish an*
8 *advisory committee to advise the Director on carrying out*
9 *this Act and to review the procedures developed under sec-*
10 *tion 2(c)(1) and the reports issued under section 8.*

11 (b) *ANNUAL REPORT.*—*On January 1 of each year,*
12 *the advisory committee shall transmit to the Committee on*
13 *Science of the House of Representatives and to the Com-*
14 *mittee on Commerce, Science, and Transportation of the*
15 *Senate a report that includes—*

16 (1) *an evaluation of Team activities, along with*
17 *recommendations to improve the operation and effec-*
18 *tiveness of Teams; and*

19 (2) *an assessment of the implementation of the*
20 *recommendations of Teams and of the advisory com-*
21 *mittee.*

22 (c) *DURATION OF ADVISORY COMMITTEE.*—*Section 14*
23 *of the Federal Advisory Committee Act shall not apply to*
24 *the advisory committee established under this section.*

1 **SEC. 12. ADDITIONAL APPLICABILITY.**

2 *The authorities and restrictions applicable under this*
3 *Act to the Director and to Teams shall apply to the activi-*
4 *ties of the National Institute of Standards and Technology*
5 *in response to the attacks of September 11, 2001.*

6 **SEC. 13. AMENDMENT.**

7 *Section 7 of the National Bureau of Standards Author-*
8 *ization Act for Fiscal Year 1986 (15 U.S.C. 281a) is*
9 *amended by inserting “, or from an investigation under the*
10 *National Construction Safety Team Act,” after “from such*
11 *investigation”.*

12 **SEC. 14. CONSTRUCTION.**

13 *Nothing in this Act shall be construed to confer any*
14 *authority on the National Institute of Standards and Tech-*
15 *nology to require the adoption of building standards, codes,*
16 *or practices.*

17 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

18 *The National Institute of Standards and Technology*
19 *is authorized to use funds otherwise authorized by law to*
20 *carry out this Act.*

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 4687

AMENDMENT