

107TH CONGRESS
2D SESSION

H. R. 4687

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2002

Mr. BOEHLERT (for himself, Mr. WEINER, Mr. SHAYS, Mr. GRUCCI, Mr. LARSON of Connecticut, Mr. ISRAEL, Mrs. MORELLA, Mr. ETHERIDGE, Mr. EHLERS, Mr. BACA, Mr. FORBES, and Mr. BARCIA) introduced the following bill; which was referred to the Committee on Science

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Construction
5 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 re-
4 ferred to as the “Director”) is authorized to establish Na-
5 tional Construction Safety Teams for deployment within
6 48 hours after events causing the failure of a building or
7 buildings that has resulted in substantial loss of life or
8 that posed significant potential for substantial loss of life.
9 The Director shall promptly publish in the Federal Reg-
10 ister notice of the establishment of each National Con-
11 struction Safety Team.

12 (b) PROCEDURES.—

13 (1) DEVELOPMENT.—Not later than 3 months
14 after the date of the enactment of this Act, the Di-
15 rector, in consultation with the United States Fire
16 Administration and other appropriate Federal agen-
17 cies, shall develop procedures for the establishment
18 and deployment of National Construction Safety
19 Teams. The Director shall update such procedures
20 as appropriate. Such procedures shall include
21 provisions—

22 (A) regarding conflicts of interest related
23 to service on the Team;

24 (B) defining the circumstances under
25 which the Director will establish and deploy a
26 National Construction Safety Team;

1 (C) prescribing the appropriate size of Na-
2 tional Construction Safety Teams;

3 (D) guiding the disclosure of information
4 under section 8;

5 (E) guiding the conduct of investigations
6 under this Act;

7 (F) identifying, and prescribing appro-
8 priate conditions for the provision by the Direc-
9 tor of, additional resources and services Na-
10 tional Construction Safety Teams may need;

11 (G) to ensure that investigations under
12 this Act do not impede and are coordinated
13 with any search and rescue efforts being under-
14 taken at the site of the building failure;

15 (H) for regular briefings of the public on
16 the status of the investigative proceeding and
17 findings;

18 (I) guiding the National Construction
19 Safety Teams in moving and the preservation of
20 evidence as described in section 5(a)(4), (b)(2),
21 and (d)(4);

22 (J) providing for coordination with Fed-
23 eral, State, and local entities that may sponsor
24 research or investigations of building failures,

1 including research conducted under the Earth-
2 quake Hazards Reduction Act of 1977; and

3 (K) regarding such other issues as the Di-
4 rector considers appropriate.

5 (2) PUBLICATION.—The Director shall publish
6 promptly in the Federal Register final procedures,
7 and subsequent updates thereof, developed under
8 paragraph (1).

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

10 National Construction Safety Teams shall be led by
11 an individual named by the Director. National Construc-
12 tion Safety Team members shall include at least 1 em-
13 ployee of the National Institute of Standards and Tech-
14 nology and shall include other experts who are not employ-
15 ees of the National Institute of Standards and Technology,
16 who may include private sector experts, university experts,
17 representatives of professional organizations with appro-
18 priate expertise, and appropriate Federal, State, or local
19 officials.

20 **SEC. 4. FUNCTIONS OF TEAMS.**

21 National Construction Safety Teams shall—

22 (1) conduct investigations to establish the likely
23 technical cause or causes of the building failure;

24 (2) evaluate the technical aspects of evacuation
25 and emergency response procedures;

1 (3) recommend specific improvements to build-
2 ing standards, codes, and practices based on the
3 findings made pursuant to paragraphs (1) and (2);
4 and

5 (4) recommend research and other appropriate
6 actions needed to improve the structural safety of
7 buildings, and improve evacuation and emergency re-
8 sponse procedures, based on the findings of the in-
9 vestigation.

10 **SEC. 5. AUTHORITIES.**

11 (a) ENTRY AND INSPECTION.—In investigating a
12 building failure under this Act, members of a National
13 Construction Safety Team, and any other person author-
14 ized by the Director to support a National Construction
15 Safety Team, on display of appropriate credentials pro-
16 vided by the Director, may—

17 (1) enter property where a building failure
18 being investigated has occurred, or where building
19 components, materials, and artifacts with respect to
20 the building failure are located, and do anything
21 necessary to conduct the investigation;

22 (2) inspect any record (including any design,
23 construction, or maintenance record), process, or fa-
24 cility related to the investigation;

1 (3) inspect and test any building components,
2 materials, and artifacts related to the building fail-
3 ure; and

4 (4) move such components, materials, and arti-
5 facts as provided by the procedures developed under
6 section 2(b)(1).

7 (b) AVOIDING UNNECESSARY INTERFERENCE AND
8 PRESERVING EVIDENCE.—An inspection, test, or other
9 action taken by a National Construction Safety Team
10 under this section shall be conducted in a way that—

11 (1) does not interfere unnecessarily with serv-
12 ices provided by the owner or operator of the build-
13 ing components, materials, or artifacts, property,
14 records, process, or facility; and

15 (2) to the maximum extent feasible, preserves
16 evidence related to the building failure, consistent
17 with the ongoing needs of the investigation.

18 (c) COORDINATION.—

19 (1) WITH SEARCH AND RESCUE EFFORTS.—A
20 National Construction Safety Team shall not im-
21 pede, and shall coordinate its investigation with, any
22 search and rescue efforts being undertaken at the
23 site of the building failure.

24 (2) WITH OTHER RESEARCH.—A National Con-
25 struction Safety Team shall coordinate its investiga-

tion, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) MEMORANDA OF UNDERSTANDING.—The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(d) INTERAGENCY PRIORITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), a National Construction Safety Team investigation shall have priority over any other investigation of any other Federal agency.

(2) NATIONAL TRANSPORTATION SAFETY BOARD.—If the National Transportation Safety Board is conducting an investigation related to an investigation of a National Construction Safety Team, the National Transportation Safety Board investigation shall have priority over the National Construction Safety Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.

1 (3) CRIMINAL ACTS.—If the Attorney General,
2 in consultation with the Director, determines, and
3 notifies the Director, that circumstances reasonably
4 indicate that the building failure being investigated
5 by a National Construction Safety Team may have
6 been caused by a criminal act with intent to cause
7 the building failure, the National Construction Safe-
8 ty Team shall relinquish investigative priority to the
9 appropriate Federal law enforcement agency. The
10 relinquishment of investigative priority by the Na-
11 tional Construction Safety Team shall not otherwise
12 affect the authority of the Team to continue its in-
13 vestigation under this Act.

14 (4) PRESERVATION OF EVIDENCE.—If a Fed-
15 eral law enforcement agency suspects and notifies
16 the Director that a building failure being inves-
17 tigated by a National Construction Safety Team
18 under this Act may have been caused by a criminal
19 act with intent to cause the building failure, the Na-
20 tional Construction Safety Team, in consultation
21 with the Federal law enforcement agency, shall take
22 necessary actions to ensure that evidence of the
23 criminal act is preserved.

1 **SEC. 6. BRIEFINGS, HEARINGS, WITNESSES, AND SUB-**
2 **POENAS.**

3 (a) GENERAL AUTHORITY.—The Director, on behalf
4 of a National Construction Safety Team, may conduct
5 hearings, administer oaths, and require, by subpoena and
6 otherwise, necessary witnesses and evidence as necessary
7 to carry out this Act.

8 (b) BRIEFINGS.—National Construction Safety
9 Teams shall hold regular public briefings on the status
10 of the investigative proceeding and findings.

11 (c) PUBLIC HEARINGS.—During the course of an in-
12 vestigation by a National Construction Safety Team, the
13 National Institute of Standards and Technology shall, if
14 the Director considers it to be in the public interest, hold
15 a public hearing for the purposes of—

16 (1) gathering testimony from witnesses; and

17 (2) informing the public on the progress of the
18 investigation.

19 (d) PRODUCTION OF WITNESSES.—A witness or evi-
20 dence in an investigation under this Act may be sum-
21 moned or required to be produced from any place in the
22 United States. A witness summoned under this subsection
23 is entitled to the same fee and mileage the witness would
24 have been paid in a court of the United States.

1 (e) ISSUANCE OF SUBPOENAS.—A subpoena shall be
2 issued under the signature of the Director but may be
3 served by any person designated by the Director.

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

15 **SEC. 7. ADDITIONAL POWERS.**

16 In order to support National Construction Safety
17 Teams in carrying out this Act, the Director may—

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

21 (2) request the use, when appropriate, of avail-
22 able services, equipment, personnel, and facilities of
23 a department, agency, or instrumentality of the
24 United States Government on a reimbursable or
25 other basis;

1 (3) confer with employees and request the use
2 of services, records, and facilities of State and local
3 governmental authorities;

4 (4) accept voluntary and uncompensated serv-
5 ices;

6 (5) make contracts with nonprofit entities to
7 carry out studies related to purpose, functions, and
8 authorities of the National Construction Safety
9 Teams; and

10 (6) provide nongovernmental members of the
11 National Construction Safety Team reasonable com-
12 pensation for time spent carrying out activities
13 under this Act.

14 **SEC. 8. DISCLOSURE OF INFORMATION.**

15 (a) GENERAL RULE.—Except as otherwise provided
16 in this section, a copy of a record, information, or inves-
17 tigation submitted or received by a National Construction
18 Safety Team shall be made available to the public on re-
19 quest and at reasonable cost.

20 (b) EXCEPTION.—Subsection (a) does not require the
21 release of information described by section 552(b) of title
22 5, United States Code, or protected from disclosure by any
23 other law of the United States.

24 (c) PROTECTION OF VOLUNTARY SUBMISSION OF IN-
25 FORMATION.—Notwithstanding any other provision of law,

1 a National Construction Safety Team, the National Insti-
2 tute of Standards and Technology, and any agency receiv-
3 ing information from a National Construction Safety
4 Team or the National Institute of Standards and Tech-
5 nology, shall not disclose voluntarily provided safety-re-
6 lated information if that information is not directly related
7 to the building failure being investigated and the Director
8 finds that the disclosure of the information would inhibit
9 the voluntary provision of that type of information.

10 (d) PUBLIC SAFETY INFORMATION.—A National
11 Construction Safety Team and the National Institute of
12 Standards and Technology shall not publicly release any
13 information it receives in the course of an investigation
14 under this Act if the Director finds that the disclosure
15 of that information might jeopardize public safety.

16 **SEC. 9. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.**

17 Not later than 90 days after completing an investiga-
18 tion, a National Construction Safety Team shall issue a
19 public report which includes—

20 (1) an analysis of the likely technical cause or
21 causes of the building failure investigated;

22 (2) technical recommendations for changes to
23 or the establishment of evacuation and emergency
24 response procedures;

1 (3) recommended specific improvements to
2 building standards, codes, and practices; and

3 (4) recommendations for research and other ap-
4 propriate actions needed to help prevent future
5 building failures.

6 **SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
7 **NOLOGY ACTIONS.**

8 After the issuance of a public report under section
9 9, the National Institute of Standards and Technology
10 shall comprehensively review the report and, working with
11 the United States Fire Administration and other appro-
12 priate Federal and non-Federal agencies and
13 organizations—

14 (1) conduct, or enable or encourage the con-
15 ducting of, appropriate research recommended by
16 the National Construction Safety Team; and

17 (2) promote the appropriate adoption by the
18 Federal Government, and encourage the appropriate
19 adoption by other agencies and organizations, of the
20 recommendations of the National Construction Safe-
21 ty Team with respect to—

22 (A) technical aspects of evacuation and
23 emergency response procedures;

24 (B) specific improvements to building
25 standards, codes, and practices; and

1 (C) other actions needed to help prevent
2 future building failures.

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

5 Not later than February 15 of each year, the Director
6 shall transmit to the Committee on Science of the House
7 of Representatives and to the Committee on Commerce,
8 Science, and Transportation of the Senate a report that
9 includes—

10 (1) a summary of the investigations conducted
11 by National Construction Safety Teams during the
12 prior fiscal year;

13 (2) a summary of recommendations made by
14 the National Construction Safety Teams in reports
15 issued under section 9 during the prior fiscal year;
16 and

17 (3) a description of the actions taken by the
18 National Institute of Standards and Technology dur-
19 ing the prior fiscal year in response to reports issued
20 under section 9.

21 **SEC. 12. ADVISORY COMMITTEE.**

22 (a) ESTABLISHMENT AND FUNCTIONS.—The Direc-
23 tor, in consultation with the United States Fire Adminis-
24 tration and other appropriate Federal agencies, shall es-
25 tablish an advisory committee to advise the Director on

1 carrying out this Act and to review the procedures devel-
2 oped under section 2(b)(1) and the reports issued under
3 section 9.

4 (b) ANNUAL REPORT.—On January 1 of each year,
5 the advisory committee shall transmit to the Committee
6 on Science of the House of Representatives and to the
7 Committee on Commerce, Science, and Transportation of
8 the Senate a report that includes—

9 (1) an evaluation of National Construction
10 Safety Team activities, along with recommendations
11 to improve the operation and effectiveness of Na-
12 tional Construction Safety Teams; and

13 (2) an assessment of the implementation of the
14 recommendations of National Construction Safety
15 Teams and of the advisory committee.

16 (c) DURATION OF ADVISORY COMMITTEE.—Section
17 14 of the Federal Advisory Committee Act shall not apply
18 to the advisory committee established under this section.

19 **SEC. 13. ADDITIONAL APPLICABILITY.**

20 The authorities and restrictions applicable under this
21 Act to the Director and to National Construction Safety
22 Teams shall apply to the activities of the National Insti-
23 tute of Standards and Technology in response to the at-
24 tacks of September 11, 2001.

1 **SEC. 14. AMENDMENT.**

2 Section 7 of the National Bureau of Standards Au-
3 thorization Act for Fiscal Year 1986 (15 U.S.C. 281a)
4 is amended by inserting “, or from an investigation under
5 the National Construction Safety Team Act,” after “from
6 such investigation”.

7 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Na-
9 tional Institute of Standards and Technology for carrying
10 out this Act \$25,000,000 for each of the fiscal years 2003
11 through 2005, to remain available until expended.

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