

***In the Senate of the United States,***

*December 6, 2022.*

*Resolved*, That the bill from the House of Representatives (H.R. 7077) entitled “An Act to require the United States Fire Administration to conduct on-site investigations of major fires, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

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

2 *This Act may be cited as the “Empowering the U.S.*

3 *Fire Administration Act”.*

4 ***SEC. 2. FIRE SAFETY INVESTIGATIONS.***

5 *The Federal Fire Prevention and Control Act of 1974*

6 *(15 U.S.C. 2201 et seq.) is amended by adding at the end*

7 *the following:*

1 **“SEC. 38. INVESTIGATION AUTHORITIES.**

2       “(a) *IN GENERAL.*—*In the case of a major fire, the*  
 3 *Administrator may send incident investigators, which may*  
 4 *include safety specialists, fire protection engineers, codes*  
 5 *and standards experts, researchers, and fire training spe-*  
 6 *cialists, to the site of the fire to conduct a fire safety inves-*  
 7 *tigation as described in subsection (b).*

8       “(b) *INVESTIGATION REQUIRED.*—*A fire safety inves-*  
 9 *tigation conducted under this section—*

10               “(1) *shall be conducted in coordination and co-*  
 11 *operation with appropriate Federal, State, local,*  
 12 *Tribal, and territorial authorities, including Federal*  
 13 *agencies that are authorized to investigate any fire;*  
 14 *and*

15               “(2) *shall examine the previously determined*  
 16 *cause and origin of the fire and assess broader sys-*  
 17 *tematic matters to include use of codes and standards,*  
 18 *demographics, structural characteristics, smoke and*  
 19 *fire dynamics (movement) during the event, and costs*  
 20 *of associated injuries and deaths.*

21       “(c) *REPORT.*—

22               “(1) *IN GENERAL.*—*Subject to paragraph (2),*  
 23 *upon concluding any fire safety investigation under*  
 24 *this section, the Administrator shall—*

25                       “(A) *issue a public report to the appro-*  
 26 *priate Federal, State, local, Tribal, and terri-*

1           *torial authorities on the findings of such inves-*  
 2           *tigation; or*

3           “(B) *collaborate with another investigating*  
 4           *Federal, State, local, Tribal, or territorial agen-*  
 5           *cy on the report of that agency.*

6           “(2) *EXCEPTION.—If the Administrator, in con-*  
 7           *sultation with appropriate Federal, State, local, Trib-*  
 8           *al, and territorial authorities determines that issuing*  
 9           *a report under paragraph (1) would have a negative*  
 10          *impact on a potential or ongoing criminal investiga-*  
 11          *tion, the Administrator is not required to issue such*  
 12          *report.*

13          “(3) *CONTENTS.—Each public report issued*  
 14          *under paragraph (1) shall include recommendations*  
 15          *on—*

16                 “(A) *any other buildings with similar char-*  
 17                 *acteristics that may bear similar fire risks;*

18                 “(B) *improving tactical response to similar*  
 19                 *fires;*

20                 “(C) *improving civilian safety practices;*

21                 “(D) *assessing the costs and benefits to the*  
 22                 *community of adding fire safety features; and*

23                 “(E) *how to mitigate the causes of the fire.*

24          “(d) *DISCRETIONARY AUTHORITY.—In addition to a*  
 25          *fire safety investigation conducted pursuant to subsection*

1 (a), provided doing so would not have a negative impact  
 2 on a potential or ongoing criminal investigation, the Ad-  
 3 ministrator may send fire investigators to conduct a fire  
 4 safety investigation at the site of any fire with unusual or  
 5 remarkable context that results in losses less severe than  
 6 those occurring as a result of a major fire, in coordination  
 7 and cooperation with the appropriate Federal, State, local,  
 8 Tribal, and territorial authorities, including Federal agen-  
 9 cies that are authorized to investigate the fire.

10 “(e) CONSTRUCTION.—Nothing in this section shall be  
 11 construed to—

12 “(1) affect or otherwise diminish the authorities  
 13 or the mandates vested in other Federal agencies;

14 “(2) grant the Administrator authority to inves-  
 15 tigate a major fire for the purpose of an enforcement  
 16 action or criminal prosecution; or

17 “(3) require the Administrator to send investiga-  
 18 tors or issue a report for a major fire when the Ad-  
 19 ministrator, in coordination and cooperation with the  
 20 appropriate Federal, State, local, Tribal, and terri-  
 21 torial authorities, determine that it may compromise  
 22 a potential or ongoing criminal investigation.

1       “(f) *MAJOR FIRE DEFINED.*—*For purposes of this sec-*  
2   *tion, the term ‘major fire’ shall have the meaning given such*  
3   *term under regulations to be issued by the Administrator.*”.

Attest:

*Secretary.*

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 7077**

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**AMENDMENT**