

that action on this bill might be completed by September 11. The committee has worked to accommodate those requests to move this bill. In that effort, the committee has made some changes to the bill to clarify its purpose and to address some technical issues.

The National Construction Safety Team Act would 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. The bill seeks to address several problems identified as a result of the collapse of the World Trade Center Towers. For example, no Federal agency is clearly charged with investigating building failures. The bill would solve this problem by giving the National Institute of Standards and Technology, NIST, clear responsibility to handle such investigations. Further, there are currently no guarantees that investigations will begin quickly enough to preserve valuable evidence. The bill would require NIST to act within 48 hours of a building failure. In addition, no Federal agency has the investigative authority needed to ensure access to a building's structural information. Therefore, the bill would provide to NIST clear authority to enter sites, access documents, test materials, and move evidence, as well as clear authority to issue subpoenas. Finally, there is no mechanism for keeping the public informed of the progress of an investigation. The bill would require NIST to provide regular public briefings and to make public its findings and the materials that led to those findings.

I would like to enter into a discussion with my friend Senator MCCAIN, the ranking member of the committee, regarding the provisions in the bill relating to a construction safety team's final report and membership.

Mr. MCCAIN. I thank the chairman of the Commerce Committee. When a construction safety team issues its report on the likely technical cause for building failure, along with recommendations under Section 8 of this legislation, it is my understanding that any strongly held minority or dissenting

views would also be included in that report. I believe that is the committee's intent.

Mr. HOLLINGS. The ranking member is correct. While it is our hope that teams would be able to issue a consensus report, the committee urges the Director of the National Institute of Standards and Technology, when setting the procedures to govern construction safety teams, to ensure that any such minority or dissenting views are included in any report.

Mr. MCCAIN. I would also like to clarify an issue regarding the composition of a safety team. It seems appropriate to permit employees of Federal agencies to serve as members of construction safety teams. And certainly in the event that a construction safety team investigates the collapse of a Federal building, a representative from the General Services Administration should be included on the team.

Mr. HOLLINGS. I agree that is the committee's intent. I thank Senator MCCAIN once again for his cooperation in this matter and urge the Senate to pass this legislation, as amended.

#### AMENDMENT NO. 4514

(Purpose: 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)

Mr. REID. Senator HOLLINGS has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to; the motion to reconsider be laid upon the table; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and that any statements and colloquies relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4514) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4687), as amended, was read the third time and passed.

#### ORDERS FOR TUESDAY, SEPTEMBER 10, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Interior Appropriations Act under the previous order. Further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly partly conferences, and at 2:15 p.m. the Senate resume consideration of the Homeland Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, the next rollcall vote will occur at about 10:30 tomorrow morning in relation to the Daschle second-degree amendment regarding agricultural disaster assistance, and this will be an amendment that is considered on the Interior Appropriations Act.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Tuesday, September 10, 2002, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate September 9, 2002:

#### THE JUDICIARY

KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.