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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2002.

I here appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, guardian of this Nation throughout its history, be with Your people today as in the past. Through the power of Your spirit, keep the Members of the United States House of Representatives constant in their service to Your people. Help each to play his or her part in shaping the life and well-being of this Nation. May thoughts be guided by truth and integrity and all determinations conform to Your commands so as to build the public trust while assuring peace.

To You be glory and honor forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms.

SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute at the end of the legislative day.

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 475

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order

against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 475 is an open rule which provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on Science, on H.R. 4687, the National Construction Safety Team Act. The rule provides that it shall be in order to consider for the purpose of amendment the amendment in the nature of a substitute now printed in the bill.

The rule waives all points of order against the committee amendment in the nature of a substitute and provides that it shall be open for amendment by section.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H4555

Mr. Speaker, this is yet another open rule which affords any Member the opportunity to offer an amendment as long as it complies with the regular rules of the House. However, the rule allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science, and the lead Democrat sponsor, the gentleman from New York (Mr. WEINER), along with the gentleman from Texas (Mr. HALL), the ranking member, and all the members of the committee for their hard work and bipartisan efforts to further the use of science in our public policy decisions.

Mr. Speaker, after every plane crash, whether a small, single-engine plane or a large, commercial airliner, a team of investigators arrives on the scene and begins to try and determine how did this happen. These teams of experts are brought together by the National Transportation Safety Board, simply known as the NTSB. These NTSB teams try and determine whether pilot error, mechanical failure, or forces of nature were to blame.

In the end, the main goal of this group of experts is to try and prevent such an incident from happening again. After the horrible collapse of the World Trade Center on September 11, it was realized that the United States needs to develop similar teams of experts that could investigate the structural failure of buildings.

H.R. 4687, the National Construction Safety Team Act, authorizes the development of teams of experts in building construction and engineering.

This legislation establishes a clear procedure for the creation of construction safety teams to investigate building or structural collapses that result in large numbers of deaths. Under H.R. 4687, this task will be given to the National Institute of Standards and Technology.

The national construction safety teams will have several important roles. First, these teams of experts will conduct investigations to determine the likely technical causes for the failure of the building. By finding out why it collapsed, specific recommendations can be made to improve building standards, codes, and construction practices to possibly prevent it from happening again.

These safety teams also will be tasked with determining the technical aspects of evacuation and emergency response procedures. They will be looking at questions such as whether sprinkler systems are adequate or if there are enough stairways to handle a large exodus of people in a real emergency situation.

Finally, upon completion of an investigation, these experts will then recommend research and other appropriate actions needed to improve the structural safety of buildings and improve evacuation and emergency response procedures based on these findings.

Mr. Speaker, this is a good bill and it deserves our support. As many of my colleagues know, this legislation is the product of a number of high-profile hearings, discussions with the administration, the American Society of Civil Engineers, families of the victims of the World Trade Center collapse, as well as many other interested parties.

I urge all of my colleagues to support this straightforward and noncontroversial rule, as well as this bipartisan legislation which will allow us to apply a clear scientific process to prevent the future catastrophic loss of life and property.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Ohio for yielding me the customary 30 minutes.

Mr. Speaker, I rise in support of this open rule. The underlying bill is noncontroversial and was passed by voice vote out of the House Committee on Science.

Mr. Speaker, on September 11 we learned many hard lessons about our Nation's vulnerability to attack, and the underlying bill before us today sets out to improve our ability to respond to an attack, especially our ability to investigate building failures that cause a substantial loss of life.

The aftermath of the collapse of the World Trade Center towers revealed serious flaws in how the Federal Government moves forward with these investigations. For instance, first FEMA responded to the Trade Center disaster by sending search and rescue teams to the site. FEMA also employed a team tasked with analyzing information about the sequence of events and failures that resulted in the progressive collapse of the World Trade Center towers. Its goal was to analyze how the structures performed and determine whether changing building codes and design practices might prevent future disasters.

Eventually, FEMA recognized that it did not have the resources or the authority to conduct a comprehensive and thorough investigation; and in January, FEMA asked the National Institute of Standards and Technology to take over the investigation. Before all was said and done, the National Science Foundation was involved as well.

Eventually, despite the extraordinary commitment of the agents and workers investigating the site, confu-

sion became the order of the day. None of these agencies were prepared to conduct a comprehensive and thorough investigation immediately following the collapse of the buildings.

In addition, the Federal efforts that were undertaken to study the building failures were hindered by many impediments: no Federal agency was clearly charged with investigating building failures; nothing ensured that an investigation would begin quickly enough to preserve evidence; no Federal agency had the investigative authority to ensure access to all the needed information; and nothing ensured that the public was kept informed of the progress of the investigation; and inadequate funding limited the efforts that were undertaken.

The measure before us today is modeled on the legislation that created the National Transportation Safety Board and will go a long way toward addressing these problems. First, the act establishes NIST as the lead agency to investigate building failures that have caused a substantial loss of life or that posed significant potential for substantial loss of life. The legislation also requires NIST to deploy a team within 48 hours of a disaster so that the investigation is not hindered by delay.

Additionally, the legislation gives NIST authority to enter the site of the building failure, inspect and move records and materials, issue subpoenas and impound evidence; and moreover, a provision of critical importance to the families of victims would require teams to hold regular public briefings on the status of the investigation in order to ensure that the public is informed.

Finally, to prevent funding limitations from inhibiting future investigation, the legislation authorizes appropriations of \$25 million.

Mr. Speaker, we owe it to the families of the victims to ensure timely and orderly investigation of this tragedy, and I urge favorable consideration of this bill; and, again, Mr. Speaker, I know of no controversy surrounding this measure.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Again, this is an open rule and noncontroversial, but a necessary piece of legislation. It sets up a clear process for building investigation and will allow use, upgrade of the safety of existing buildings and future structures. I urge all my colleagues to support this rule and this very, very important piece of legislation.

I want once again to commend the committee and the gentleman from New York (Mr. BOEHLERT), the chairman, and all who have participated in drafting this important piece of legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0915

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Pursuant to House Resolution 475 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4687.

□ 0915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (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, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I approach the task of bringing this bill to the floor with great solemnity. H.R. 4687 is, in many ways, a memorial to those who lost their lives on September 11 and a tribute to their families, who have joined together to advocate for this measure in the Campaign for Skyscraper Safety.

It is fitting, therefore, that we are discussing this bill as Congress pulls together a Department of Homeland Security, another reaction to last fall's attack. Both H.R. 4687 and the Department are intelligent, targeted efforts to discern and apply the lessons of September 11.

While the National Construction Safety Team Act will not do anything as dramatic as help us foil terrorist attacks, it will save lives in a more workaday manner than anti-terrorism legislation.

The idea behind this bill is simple: we cannot make our buildings safer unless we understand what goes wrong when they fail. That has been a basic principle of engineering from its inception, and the Federal Government has been long involved in efforts to learn from building failures. But we learned from our Committee on Science hearings into the investigation that followed the World Trade Center collapse that our investigation system has its own failures. This bill is a carefully crafted attempt to address each and every failure that hampered the investigation into the World Trade Center collapse.

The first problem was that no Federal agency was clearly charged with investigating building failures. The bill solves that problem by giving the National Institute of Standards and Technology clear responsibility to handle the investigations.

Second, nothing ensured that investigations would begin quickly enough to preserve valuable evidence. The bill solves that problem by requiring NIST to act within 48 hours of a building failure.

Third, no Federal agency had the investigative authority it needed to ensure access to all needed information. The bill solves that problem by giving NIST clear authority to enter sites, access documents, test materials, and move evidence, as well as clear authority to issue subpoenas.

Fourth, nothing ensured that the public was kept informed of the progress of the investigation. The bill solves that problem by requiring NIST to provide regular public briefings and to make public its findings and the material that led to those findings.

We have listened to expert witnesses, including the American Society of Civil Engineers, and the Nation owes a great debt of gratitude to the American Society of Civil Engineers, which conducted the Trade Center investigation under the aegis of the Federal Emergency Management Agency. We have responded with a measure targeted precisely to remedy the issues that came to our attention. And we base the bill on a highly successful model: the National Transportation Safety Board, the Federal agency that investigates airline crashes.

I should emphasize this bill is not just about responding to terrorist attacks. It will come into play anytime a building failure has lessons to teach, whether the building failed from a natural disaster or human action, regardless of whether that action was intentional.

So I urge my colleagues to support this measure. It is a simple lifesaving measure. It has the support of the groups who worked to put together our Nation's life safety codes, like the Civil Engineers and the National Fire Protection Association; and it is fully supported by the administration.

There are a lot of thanks due to a lot of people for helping to assemble this important measure. I want to thank the professional staff on both sides of the aisle on this Committee on Science. I want to thank all of my colleagues who invested so much of their time and energy and talent into producing this document, particularly the gentleman from New York (Mr. WEINER), who was a real leader, and my colleagues on the committee, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. GRUCCI), who have been key right from the beginning in working with us every step of the way. And Sally Regenhard, a wonderful woman, who has been there every step of the way representing the families, guiding us and inspiring us. And Dr. Gene Corley of the American Society of Civil Engineers. What a magnificent job they did under some very difficult circumstances. There are a lot of people who deserve credit for where we are today.

But the basic point is this: we are taking action that, hopefully, will prevent something like this from ever happening again.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to join the chairman, the gentleman from New York (Mr. BOEHLERT), in strong support of H.R. 4687. Of course, he has well laid out the provisions of it, the need for it, and the action that was taken.

We all look back to September 11, 2001, when our country was subjected to a cowardly attack on the World Trade Center and the Pentagon. These attacks, of course, will rank with any of the great tragedies of American history. As with any tragedy, we need to look for lessons that can help us against possible future tragedies.

I know that we also need to carefully examine our emergency preparedness, our evacuation procedures and emergency responses as well as the structural integrity of our tall buildings. That is a tall order. And H.R. 4687 is the result of careful evaluation of how the various governmental agencies, State, local and Federal, investigated the collapse of the World Trade towers, and also emergency response and evacuation proceedings.

During the course of the hearings and in consultations with professional societies and citizen groups, the Committee on Science discovered the Federal Government's inability to quickly deploy a building investigative team to the World Trade Center site. The committee found valuable data was lost because we had no one with the authority to sequester or to set aside for future observation. In haste, and amidst tragedy and disbelief, trails to analyze were lost.

Citizen groups were angry and suspicious because the government in charge did not really provide public briefings on its building investigative team's activities. Our President reported to us as he could, as he visited the site and did everything he could to cooperate with the officials of the City of New York, as did the entire Nation.

We also discovered, though, that there is not a good system in place to translate the findings of an investigation into a major building collapse and to improve building standards and codes. And, finally, Federal investigative efforts were woefully underfunded to do a thorough and comprehensive job.

So, Mr. Chairman, H.R. 4687 is the Committee on Science's attempt to address these shortcomings. I will not go

through the specific provisions of the bill. Chairman BOEHLERT has done a good job of that. However, this bill provides solutions to each of the problems that we uncovered, and we have placed them in the bill.

The National Construction Safety Team Act is going to enable, I think, the Federal Government to respond more quickly and comprehensively in the event of a major building failure. It is only by studying building disasters that we can improve building design and evacuation and emergency response procedures that ultimately make buildings safer.

I am convinced that some of the actions that this country has taken are working, because we have not had another tragedy to date. And though we are warned repeatedly that one is on its way, I think a lot of what we have done at the local government level, the State government, and the Federal government, all acting in cooperation, may be working.

I want to commend Chairman BOEHLERT, well, I do not want to commend Chairman BOEHLERT to do anything because he does such a good job of leading this committee, but I do want to commend him, and I want to certainly commend my colleagues, the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. ISRAEL), for their hard work on this legislation. As New Yorkers, they felt the hurt, they know the tragedy, and they were a lot of the life and breath of this bill as we labored through it and listened to the testimony. I also want to thank Chairman BOEHLERT for working with us in his usual bipartisan fashion.

As I said at the beginning, this is a bill about lessons learned. If we are serious about making our buildings safer against future terrorist attacks, then we ought to pass this legislation.

I yield 5 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman from Texas (Mr. HALL) for his leadership on our side of the aisle, and I want to join in the words he had to say about the gentleman from New York (Mr. BOEHLERT). The chairman has led this committee with great dignity and pursued this issue with thoroughness and with a great compassion and respect for the families of the victims who came to this committee and came to this Congress with a very reasonable request, and that is that we try to do what we can to make buildings safer in the future.

I also want to thank Mike Quear, and Geoff Hockert of my staff, who helped draft this bill.

Mr. Chairman, no one would dispute that the attack on the World Trade Center could not have been anticipated. In many respects, one can only marvel at the skill of the designers of the Twin Towers and the workmanship of thousands of nameless steelworkers and laborers. Thousands of families will enjoy dinner together tonight be-

cause, even under the most unimaginable circumstances, these proud buildings stood tall for more than an hour.

But for the families of those lost, this testament offers little consolation and leaves many questions about the causes of the collapse unanswered. And, sadly, because of the early missteps in the investigation, some of the most vexing questions may never be unraveled.

Thousands of tons of steel were carted away from Ground Zero and were recycled before any expert could examine what could have been telltale clues. Support trusses, fireproofing fragments, and even burnt-out electrical switches that might have given scientists and engineers insight were lost forever, even before an investigation was underway.

These failures mean that we are, even to this day, short on conclusions about design decisions that may have contributed to the deaths of so many firefighters and workers on the top floors.

Should future building avoid the concentration of stairwells that was used in the Twin Towers? Was enough attention given to the communications infrastructure that failed in the 1993 bombing, and tragically left hundreds of emergency workers climbing stairs up while officials on the ground knew that the buildings were about to come down? Did the fireproofing separate from the steel beams because of the intense heat, or did the design of the post-asbestos treatment that is in place in thousands of buildings in this country fail for other reasons?

We cannot bring back those that were lost on September 11, and today there are more than 25,000 mothers, fathers, aunts, uncles, husbands, wives, and loved ones that we thank God escaped that day. But if we want to ensure that the legacy of this tragedy is that future building collapses are avoided or mitigated, we need to do a better job investigating the causes.

We pray that no other plane ever crashes into a tall building. And we hope that an earthquake never rattles our Nation's high-rises. We remain vigilant against threats of a bomb in our city centers.

□ 0930

But just as we are not satisfied to hope that another plane does not crash, we need to create an investigative team like the NTSB, like the National Transportation Safety Board, to jump into action to investigate building collapses, protect and preserve evidence, issue regular briefings and reach conclusions that formalize standards of building design, egress and emergency escape.

The gentleman from New York (Mr. BOEHLERT), whose leadership on this issue has provided comfort to so many victims, and I have worked closely to craft legislation to create this authority. I call particular attention to two reforms contained in this bill.

First, just as the NTSB immediately sequesters evidence involved in a plane crash, our bill creates immediate on-site authority for investigators of building collapses to have access and preservation of important materials. And if necessary, the new panel may subpoena materials. Never again will we see the destruction of material and the legal jousting that marked the scene of the September 11 attack, where even the blueprints of the building were kept from investigators and took weeks to secure.

Secondly, the bill encourages the national construction safety teams to make recommendations to improve the design of buildings, evacuation and emergency plans, and I hope give localities guidance to avoid the tragic pitfalls in communication that befell so many in the World Trade Center.

We cannot mitigate the tragedy that befell so many of my neighbors. Families of the victims, particularly Sally Regenhard and the others of the Skyscraper Safety Campaign, have asked that we do what we can to give meaning to their loss. Today, we pay tribute to those who perished at Ground Zero by taking another step to ensure that we learn the lessons of our past. One thing is certain, we will not stop reaching for the heavens in our lives or in our buildings.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I commend the gentleman from Texas (Mr. HALL) and the gentleman from New York (Chairman BOEHLERT) for their work on this important legislation. It was bipartisan from the beginning; and on such an important issue, that is the way it should be.

Mr. Chairman, I lost over 100 constituents in the rubble of the World Trade Center. In the days after September 11, their families wanted to know why our national intelligence and our airport security were not strong enough to withstand the attack. Now their families are asking whether our building, fire and safety codes were strong enough to withstand the attack. They want to know if we learned anything from the collapse of the Federal building in Oklahoma, or did bureaucracy simply file a report on some shelf, only to be opened in the scrutiny of September 11. They want to make sure that the lessons lost on September 11 will never be lost again.

Since September 11, we have responded to the assault on the World Trade Center and the Pentagon in many ways. Militarily, we have eviscerated al Qaeda. We have replaced the Taliban theocracy with a secular interim government that will lead Afghanistan to democracy, we have started to revamp our airport security systems, we have passed the Comprehensive Bioterrorism Act and the PATRIOT Act.

On Capitol Hill, we have erected steel barricades and shatterproof glass to

protect Members of Congress; but we are still asking our police, our fire, and our emergency workers around the country to risk their lives running into buildings without really knowing what they need to know about the technical conditions of those buildings.

We need to know what can be done to make our buildings more structurally sound and control the intense fires caused by airplanes or bombs, and what precautions should be taken to minimize the weakening of steel, even under the most catastrophic conditions.

Mr. Chairman, I went to the wreckage of the World Trade Center with President Bush a few days after the attack. We have an obligation to those lost in that rubble and to everyone who enters a skyscraper in this new age of terrorist warnings to shine some light, to get some answers, and to act on what we have learned. Protecting our skyscrapers and economic security is just as important an issue as flying F-16s over the Capitol Building in Washington.

That is why the gentleman from New York (Mr. BOEHLERT), the gentleman from New York (Mr. WEINER), and I have asked the Office of Management and Budget to allocate the \$40 million needed to complete a comprehensive study. When the Committee on Science held a hearing to study the progress of the investigation of the collapse, there was unanimity among the witnesses on the need for a comprehensive assessment and research agenda to address evacuation procedures, emergency response, and structural analysis of the World Trade Center.

We need to give scientists the resources that they need to make and conclude this full, comprehensive study.

Mr. Chairman as the gentleman from New York said, we were not ready for a building disaster like the one at the World Trade Center. This legislation will help us find the answers that our families are looking for and prepare us for a more secure future. We will always look at the site of the World Trade Center and ask why. Now it is our obligation to know how, and this bill gives us the tools.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot emphasize enough the sensitivity with which the committee handled this very important assignment and the leadership provided by the gentleman from New York (Mr. WEINER), the gentleman from New York (Mr. ISRAEL), the gentleman from Texas (Mr. HALL), and the gentleman from Connecticut (Mr. SHAYS), whom I am about to yield time to. They were very sensitive and compassionate in dealing with the families and helped to craft a bill that we can all be proud of.

Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 4687, the National Construction Safety Team Act. The reason why I think this bill is so well drafted and so well thought out is because of the work of both the chairman and the ranking member, along with the extraordinary Science Committee staff.

When we first began these hearings, I thought, "Wait a second, we had two gigantic, wide-body planes filled with fuel imploding in these buildings? What would Members expect?"

But as we began this investigation, we realized there were a lot of things we could learn from the collapse of these buildings. It is sad and unfortunate that no one was in charge of this investigation. Because no one was empowered to be in charge, we could not gain access to some of this material right away to understand how this building, for instance, imploded. It was fascinating for me to review the fire escape options. Had they not all been concentrated in one place, maybe more people could have gotten out.

We learned that materials and building construction made a difference. Studying building No. 7, a building over 40 stories tall, while it burned indefinitely and then basically collapsed was an incredible opportunity for us to discover a number of things about building materials.

The collapse of the World Trade Center forever changed the landscape in New York City. In Connecticut's fourth district alone, over 60 constituents perished in the attacks, and the lives of their families, friends and colleagues will never be the same again.

When both buildings imploded, I was unfortunately brought to remember what had happened in Bridgeport, Connecticut, shortly before I was elected in 1987. The L'Ambiance building in Bridgeport, a 16-story apartment building, collapsed when 16 concrete slabs crashed to the ground. We lost 28 construction workers.

The collapse of L'Ambiance was due in large measure to poor construction practices. The tragedy made clear the need to improve the inspection and reporting requirements for building construction—which we did.

I think what we are doing here does so much more to guarantee in the future we will build better buildings. In the future when there is a building collapse, we will have procedures to govern the investigation and understand what caused the collapse. And just like when an airplane crash takes place, we will understand why it happened and how we can prevent it from happening again.

I have tremendous respect for what the Committee on Science has done. There has not been a lot of press on this issue, not a lot of attention to the extent I think it deserves, but from this horrible experience we have learned so much and will have the ability in the future to take command of a site and understand what needs to be done. I thank the chairman and the ranking member for their extraordinary work, and for the work of the

staff, and I urge my colleagues to support this important legislation.

Mr. Chairman, I rise in support of H.R. 4687, the National Construction Safety Team Act.

The collapse of the World Trade Center forever changed the landscape in New York City. In Connecticut's Fourth district alone, over 60 constituents perished in the attacks on the Twin Towers; and the lives of their families, friends and colleagues will never be the same again.

As I watched in horror as the towers collapsed, I was reminded of the 1987 collapse of L'Ambiance in Bridgeport, Connecticut. L'Ambiance was a 16-story apartment building which collapsed when 16 concrete slabs crashed to the ground, killing 28 construction workers.

The collapse of L'Ambiance was due in large measure to poor construction practices. The tragedy made clear the need to improve the inspection and reporting requirements for building construction—when we did.

As we continue to fight the war on terrorism and strive to prevent future conventional biological, chemical and nuclear attacks, we must also find more effective ways to respond to disasters.

The study of the World Trade Center collapse made clear that we must improve procedures for investigating building collapses. H.R. 4687 will clarify who is in charge and their respective responsibilities in case of future disasters.

This legislation grants the National Institute of Standards and Technology (NIST) authorities similar to those of the National Transportation Safety Board, and establishes a procedure to govern all future building disasters. It grants NIST access and control of the disaster site, subpoena power and the ability to move and preserve key evidence.

I commend Chairman BOEHLERT for his leadership on this issue, and I urge my colleagues to support this important legislation.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GRUCCI), someone who has been with us every step of the way, a very valuable member of the Committee on Science.

Mr. GRUCCI. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for his steadfast leadership on this important issue; and I thank the ranking member, the gentleman from Texas (Mr. HALL), for his leadership as well.

Mr. Chairman, my congressional district lies just 45 miles from Ground Zero. My constituents were the first responders, opening up their emergency rooms, volunteering their rescue services to help mothers and fathers, brothers and sisters, friends, and even strangers, all that were trapped in the rubble of the World Trade Center on that morning of September 11.

America sat with fear and awe, our eyes captivated by the sight of these once-great towers reduced to a pile of smoking debris. But as the hallowed ground of Lower Manhattan is cleared of the rubble and America attempts to

heal from the horror of September 11, we continue to work together to find what answers can be mustered from this tragedy and ask the critically important questions to find out how these towers failed.

This key legislation, the National Construction Safety Team Act, will give the National Institute of Standards and Technology clear authority and responsibility, as well as the necessary legal tools, to investigate building failures. These tools allow for a complete understanding and study into why a building fails and how to ensure that it never happens again.

Mr. Chairman, the crash of TWA Flight 800 was yet another tragic event that resulted in substantial loss of life. In order to learn what happened, the National Transportation Safety Board was sent to the scene to begin a full investigation. As a local leader at that time, I saw firsthand the vital importance of this effort. But in the collapse at Ground Zero, there was no clear mandate to what Federal agents would lead an investigation into the buildings' failure. This confusion cannot happen again.

H.R. 4687 clarifies this process and makes certain that NIST has the authority to study building collapse. I am proud to be an original cosponsor of this legislation and place my full support behind the bill. I urge Members to join me in supporting this legislation. The tragedy that took place at the World Trade Center was one of unimaginable magnitude. Now 10 months after the tragedy of September 11, we continue to work together to see that a tragedy like this never happens again.

Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for his leadership, and thank him for his commitment to New York.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in support of H.R. 4687, the National Construction Safety Team Act, and I thank the gentleman from New York (Mr. WEINER) as well as the gentleman from New York (Mr. ISRAEL) for their work on this important legislation.

September 11 changed New York and changed our world. Since September 11, volunteers and scientific experts have traveled to Ground Zero in the name of recovery and understanding. These workers, volunteers and experts have all pushed themselves and their skills to the ultimate limit to deal with an unusually grave situation.

In particular, the National Institute of Standards and Technology had to deftly work with a myriad of concerns and concerned New Yorkers. People like Arthur Taub and Sally Regenhard of Co-op City, who had concerns about the NIST investigation. Mr. Taub and Ms. Regenhard were among thousands of family members, both grieving and seeking answers.

NIST has worked with constituents who wanted answers and who had infor-

mation. Even seasoned NIST employees admitted they were covering new ground as no one could ever have imagined such an event as September 11.

In the immediate aftermath of 9-11, NIST had to try to do its job amidst emergency responders, police officers, and incomprehensible losses. In this extraordinarily challenging situation, critical evidence like beams, steel work and cables, were being carted off before the NIST team had a time to catalog or identify them. Given the fact that the scope of this tragedy had never been seen before, it is understandable that this investigation would be less than ideal. However, it is important that we learn from this tragedy.

There are several lessons to be learned from September 11. One lesson is the importance of a swift and thorough investigation of a building failure. NIST must have access to building debris as soon as it is safe to enter a site, and they must be able to move and preserve critical evidence. This bill gives NIST that authority.

Looking toward the future, it is important to do all we can to prevent a building failure of any kind from ever happening again. This bill will allow us to obtain information to help prevent building failures in the future.

□ 0945

It is important for us to swiftly and thoroughly respond to the community when buildings fail. God forbid if they fail like this again. This bill does that, and more. I urge my colleagues to support H.R. 4687.

Mr. Chairman, I thank the ranking member as well as the chairman for this fine piece of work.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of a measure that will end up saving many lives by allowing America's foremost experts in the area of structural collapses to conduct inquiries with adequate investigative authorities, and thereby allowing the American people to learn lessons that can be applied to future building construction and emergency procedures. I speak of the bill before us today, the National Construction Safety Team Act, H.R. 4687, of which I am a proud original sponsor and on which I have been working with my colleagues on the Science Committee for the past few months. This issue was first brought to my attention by Ms. Monica Gabrielle from my home State of Connecticut, who lost her husband, Richard, as a result of the collapse of 2 World Trade Center. As part of the Skyscraper Safety Campaign, Ms. Gabrielle's efforts to bring this issue to the attention of me and to other Members of Congress were invaluable in getting the Science Committee and now the House to act on this important legislation. Her efforts, and those of the Skyscraper Safety Campaign, to ensure that we know all we need to know about the structural collapse of the World Trade Center, the subsequent investigation, and to make sure that any recommendations are followed through and implemented so that we can avoid preventable deaths in the future are the principle reason we are voting today on this bill. And for that they should be mentioned here and praised. Thank you Ms. Gabrielle.

I also want to specifically commend the efforts of two of my colleagues on the Science Committee, Chairman BOEHLERT and Mr. WEINER of New York. Their tireless efforts on behalf of the families of the victims who died on that terrible day last September is awe-inspiring.

One of the unexpected and tragic lessons we learned from the attacks on the World Trade Center is that the Federal government is ill-equipped to respond quickly to disasters and discover the lessons that building failures can teach—lessons that could save many lives in the future.

In the case of the World Trade Center, the Federal Emergency Management Agency (FEMA) was the Federal agency primarily responsible for responding to the disaster. A key component of that response was the deployment of a team of experts in engineering, design, construction, and building codes to investigate the causes of the collapse of the buildings and determine what lessons could be learned from the disaster.

Unfortunately, FEMA's investigative team encountered roadblocks from the beginning. It was not deployed as rapidly as it should have been. It was unable to stop the recycling of many of the steel beams that had fallen from the towers and that could have provided valuable clues as the sequence of events that led to the collapse of the Trade Center towers. It was unable to obtain the blueprints for the buildings until almost 4 months after the collapse, and it was never given access to other important documents that could have been useful for the investigation.

As a result, FEMA requested that the National Institute of Standards and Technology (NIST) conduct a second, more extensive investigation. NIST has the only Federal laboratory dedicated to research on building design and fire and has existing statutory authority for conducting investigations into the structural failures.

However, NIST does not currently have those authorities, and this bill provides that authority. It would require new authorities to conduct an effective investigation, so that lives can be saved in the future. Such authorities would be akin to those of the National Transportation Safety Board (NTSB) which is authorized by statute to enter the site of airplane crashes, preserve evidence, and issue subpoenas to witnesses or for documents to facilitate its investigation.

I am very proud to have worked on this bill with my colleagues for the Science Committee and as we prepare to vote on it, I urge my colleagues to consider the impact this legislation will have in saving lives in the future, and therefore I urge them to support it. We owe this to the victims of the events of September 11, their families, and the American people.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of HR 4687. As an original cosponsor of this legislation, I want to thank the leadership Chairman BOEHLERT and Ranking Member HALL for bringing this issue forward and I strongly urge my colleagues to pass this important piece of legislation. On September 11th, there were no Republicans or Democrats in the rubble, only Americans and I am proud to stand here with my colleagues from both parties to honor their memory and support this bill.

Over the past few months, the Science Committee has heard disturbing testimony

about the investigation into the reasons for the catastrophic building failure at the World Trade Center. We have learned that there was no federal agency clearly in charge of the investigation nor anything to assure it began in a timely fashion. Worse still, when FEMA was given authority to investigate, they lacked critical access to information, documents and materials and no legal authority to compel cooperation. Finally, the public was frequently kept out of the loop leading to confusion and resentment among victim's friends and families.

We listened closely to these concerns and have responded with a precise and targeted remedy. Using the National Transportation Safety Board as a model, we have proposed the creation of a National Construction Safety Team to investigate catastrophic collapse complete with subpoena power, investigatory authority, and a clear chain-of-command under the direction of the National Institute of Standards and Technology. We are firmly establishing who's in charge of future investigations with clear mandates for action, without impeding search and rescue operations.

In addition, we are supporting additional research by the NIST into the technical causes of the World Trade Center collapse and other fire safety issues in an attempt to provide the necessary research for future building safety codes. NIST is the premier federal laboratory for research in building design and safety and is uniquely positioned to conduct the extensive study required to fully understand the World Trade Center disaster and thereby prevent future collapses.

Finally, while I applaud the efforts and support of my colleagues, I caution them that it may not be enough. As this work goes forward, we will likely come up with more questions than answers and as NIST uncovers deficiencies in our building designs, they may also discover gaps in our knowledge. New studies and new facilities may be needed to fill these voids and those investigations may require a new commitment. Today we take an important first step, and I hope I can count on my colleagues to be there when we take the next one.

Mr. GILMAN. Mr. Chairman, I rise today in strong support of H.R. 4687, the National Construction Safety Act. I urge my colleagues to support this important measure.

This legislation authorizes the National Institute of Standards and Technology (NIST) within the Department of Commerce to establish national construction safety teams to investigate the structural causes of building failures that cause substantial loss of life. This measure authorizes the appropriation of \$75 million over 3 years for this purpose. The NIST also will be allowed to accept and spend monetary gifts to support the teams.

Mr. Chairman, this measure was drafted in response to the difficulties encountered by those who sought to investigate the collapse of the World Trade Center buildings last September 11th. It has been designed to address every problem encountered by those investigators, including bureaucratic confusion, a lack of investigative tools and excessive restrictions on the flow of information.

We know why the World Trade Center Towers collapsed. This bill seeks to ensure that such an event is never repeated. By providing NIST with the authority it needs to swiftly carry out future investigations, H.R. 4687 will help

that organization develop an institutional knowledge base to improve its response to future tragedies, and hopefully to head off that alternative altogether. Moreover, the legislation will also help both NIST and the greater architectural and engineering communities improve their existing designs with the goal of developing better buildings in the future.

Accordingly, I urge my colleagues to give this measure their strong support.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Construction Safety Team Act".

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.

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

(b) PROCEDURES.—

(1) *DEVELOPMENT.*—Not later than 3 months after the date of the enactment of this Act, the Director, in consultation with the United States Fire Administration and other appropriate Federal agencies, shall develop procedures for the establishment and deployment of National Construction Safety Teams. The Director shall update such procedures as appropriate. Such procedures shall include provisions—

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

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

(C) prescribing the appropriate size of National Construction Safety Teams;

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

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

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services National Construction Safety Teams may need;

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

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

(I) guiding the National Construction Safety Teams in moving and preserving evidence as described in section 5(a)(4), (b)(2), and (d)(4);

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977; and

(K) regarding such other issues as the Director considers appropriate.

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

SEC. 3. COMPOSITION OF TEAMS.

National Construction Safety Teams shall be led by an individual named by the Director. National Construction Safety Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials.

SEC. 4. FUNCTIONS OF TEAMS.

National Construction Safety Teams shall—

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

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

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

(4) recommend research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation.

SEC. 5. AUTHORITIES.

(a) *ENTRY AND INSPECTION.*—In investigating a building failure under this Act, members of a National Construction Safety Team, and any other person authorized by the Director to support a National Construction Safety Team, on display of appropriate credentials provided by the Director, may—

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

(2) inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 2(b)(1).

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

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

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

(c) **COORDINATION.**—

(1) **WITH SEARCH AND RESCUE EFFORTS.**—A National Construction Safety Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) **WITH OTHER RESEARCH.**—A National Construction Safety Team shall coordinate its investigation, 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.

(3) **CRIMINAL ACTS.**—If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a National Construction Safety Team may have been caused by a criminal act with intent to cause the building failure, the National Construction Safety Team shall relinquish investigative priority to the appropriate Federal law enforcement agency. The relinquishment of investigative priority by the National Construction Safety Team shall not otherwise affect the authority of the Team to continue its investigation under this Act.

(4) **PRESERVATION OF EVIDENCE.**—If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a National Construction Safety Team under this Act may have been caused by a criminal act with intent to cause the building failure, the National Construction Safety Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

SEC. 6. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.

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

(b) **BRIEFINGS.**—National Construction Safety Teams shall hold regular public briefings on the status of investigative proceedings and findings.

(c) **PUBLIC HEARINGS.**—During the course of an investigation by a National Construction Safety Team, the National Institute of Standards and Technology may, if the Director considers it to be in the public interest, hold a public hearing for the purposes of—

(1) gathering testimony from witnesses; and
(2) informing the public on the progress of the investigation.

(d) **PRODUCTION OF WITNESSES.**—A witness or evidence in an investigation under this Act may be summoned or required to be produced from any place in the United States. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

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

(f) **FAILURE TO OBEY SUBPOENA.**—If a person disobeys a subpoena issued by the Director or a National Construction Safety Team under this Act, the Director may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

SEC. 7. ADDITIONAL POWERS.

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

(1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code;

(2) request the use, when appropriate, of available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

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

(4) accept voluntary and uncompensated services;

(5) accept and use gifts of money and other property;

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

(7) provide nongovernmental members of the National Construction Safety Team reasonable compensation for time spent carrying out activities under this Act.

SEC. 8. DISCLOSURE OF INFORMATION.

(a) **GENERAL RULE.**—Except as otherwise provided in this section, a copy of a record, information, or investigation submitted or received by a National Construction Safety Team shall be made available to the public on request and at reasonable cost.

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

(c) **PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.**—Notwithstanding any other provision of law, a National Construction Safety Team, the National Institute of Standards and Technology, and any agency receiving information from a National Construction Safety Team or the National Institute of Standards and Technology, shall not disclose voluntarily provided safety-related information if that information is not directly related to the building failure being investigated and the Director finds that the disclosure of the information would inhibit the voluntary provision of that type of information.

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

SEC. 9. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.

Not later than 90 days after completing an investigation, a National Construction Safety Team shall issue a public report which includes—

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

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

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

(4) recommendations for research and other appropriate actions needed to help prevent future building failures.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIONS.

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

(1) conduct, or enable or encourage the conducting of, appropriate research recommended by the National Construction Safety Team; and

(2) promote the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the National Construction Safety Team with respect to—

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

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

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

SEC. 11. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ANNUAL REPORT.

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

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

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

(3) a description of the actions taken by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 9.

SEC. 12. ADVISORY COMMITTEE.

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

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

(1) an evaluation of National Construction Safety Team activities, along with recommendations to improve the operation and effectiveness of National Construction Safety Teams; and

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

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

SEC. 13. ADDITIONAL APPLICABILITY.

The authorities and restrictions applicable under this Act to the Director and to National Construction Safety Teams shall apply to the activities of the National Institute of Standards and Technology in response to the attacks of September 11, 2001.

SEC. 14. AMENDMENT.

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

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

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

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 4, line 24, insert: "Team members who are not Federal employees shall be considered Federal Government contractors." after "or local officials."

Page 5, line 7, insert ", as necessary," after "recommend".

Page 5, line 10, insert "any" after "recommend".

Page 8, lines 9 and 10, strike "with intent to cause the building failure".

Page 8, lines 21 and 22, strike "with intent to cause the building failure".

Page 10, line 8, strike "the Director" and insert "the Attorney General, acting on behalf of the Director."

Page 11, line 7, insert ", to the extent provided in advance in appropriations Acts" after "and other property".

Page 13, line 19, insert "(consistent with existing procedures for the establishment of building standards, codes, and practices)" after "promote".

Page 16, after line 6, insert the following new section:

SEC. 15. CONSTRUCTION.

Nothing in this Act shall be construed to confer any authority on the National Institute of Standards and Technology to require the adoption of building standards, codes, or practices.

Page 16, line 7, redesignate section 15 as section 16.

Page 16, line 10, strike "\$25,000,000" and insert "such sums as may be necessary".

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, this is a manager's amendment that clarifies a number of issues in the bill. It reflects the discussions between the committee and the administration, especially the White House and the Department of Commerce. It also includes language worked out with the Committee on Appropriations. So I appreciate the willingness of both the White House and the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations to work with us to bring this bill to the floor with their support.

This is an en bloc amendment that clarifies or alters several different sections of the bill.

First, the amendment clarifies that members of investigative teams should be treated as contract employees, thereby shielding them from liability.

Second, it clarifies that team members not recommend code changes or further research in the unlikely event that they do not believe any code changes or further research is necessary.

Third, it expands the types of criminal investigations that would require NIST to stop serving as the lead agency at the site of the building collapse.

Fourth, the amendment clarifies how certain decisions of the Director of NIST can be enforced.

Fifth, it clarifies that all expenditures in the bill are subject to appropriations.

Sixth, it clarifies in two separate places that the bill gives NIST no regulatory authority over the adoption of building standards, codes and practices.

Finally, it changes the authorization to "such sums," which is fitting, given that it is impossible to predict how many investigations will be conducted in any given year. We hope there will not be any. There are no ongoing expenses associated with the bill.

Mr. Chairman, this is a straightforward and carefully negotiated amendment, agreed to in a bipartisan fashion, and I urge its adoption.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, Chairman BOEHLERT has succinctly laid out the amendment and has worked with us on it. We support it, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GIBBONS) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (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, pursuant to House Resolution 475, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 338, nays 23, not voting 73, as follows:

[Roll No. 295]

YEAS—338

Abercrombie	Edwards	King (NY)
Aderholt	Ehlers	Kirk
Allen	English	Klecza
Andrews	Eshoo	Knollenberg
Armey	Etheridge	Kolbe
Baca	Evans	Kucinich
Bachus	Everett	LaFalce
Baird	Farr	LaHood
Baldacci	Ferguson	Lampson
Baldwin	Filner	Langevin
Ballenger	Fletcher	Larson (CT)
Barcia	Foley	Latham
Barr	Forbes	LaTourette
Bartlett	Ford	Leach
Bass	Frank	Lee
Bentsen	Frelinghuysen	Levin
Bereuter	Frost	Lewis (CA)
Berkley	Gekas	Lewis (KY)
Berry	Gephardt	Linder
Biggert	Gibbons	LoBiondo
Bilirakis	Gilchrest	Lowey
Bishop	Gilman	Lucas (KY)
Blunt	Gonzalez	Lucas (OK)
Boehlert	Goss	Luther
Boehner	Graham	Lynch
Bonilla	Granger	Maloney (CT)
Bono	Graves	Maloney (NY)
Boozman	Green (TX)	Masaca
Boswell	Green (WI)	Matheson
Boyd	Greenwood	Matsui
Brady (TX)	Grucci	McCarthy (NY)
Brown (FL)	Gutknecht	McCollum
Brown (OH)	Hall (OH)	McCrery
Brown (SC)	Hall (TX)	McGovern
Burr	Harman	McInnis
Burton	Hart	McIntyre
Buyer	Hastings (WA)	McKeon
Callahan	Hayes	McKinney
Camp	Hayworth	McNulty
Capito	Hefley	Meek (FL)
Capps	Herger	Meeks (NY)
Cardin	Hill	Menendez
Carson (IN)	Hilliard	Mica
Carson (OK)	Hinchey	Millender-
Castle	Hinojosa	McDonald
Chabot	Hobson	Miller, Dan
Clayton	Hoeffel	Miller, Jeff
Clyburn	Hoekstra	Mink
Collins	Holden	Mollohan
Combest	Holt	Moore
Condit	Honda	Moran (KS)
Cooksey	Hooley	Moran (VA)
Costello	Horn	Morella
Cox	Houghton	Murtha
Coyne	Hoyer	Myrick
Cramer	Hulshof	Nader
Crenshaw	Hyde	Napolitano
Crowley	Inslee	Neal
Cummings	Israel	Nethercutt
Cunningham	Istook	Ney
Davis (CA)	Jackson (IL)	Northup
Davis (FL)	Jackson-Lee	Nussle
Davis (IL)	(TX)	Obey
Davis, Jo Ann	Jefferson	Oliver
Davis, Tom	Johnson (CT)	Ortiz
DeGette	Johnson (IL)	Osborne
Delahunt	Johnson, E. B.	Ose
DeLauro	Johnson, Sam	Oxley
DeLay	Kanjorski	Pallone
DeMint	Kaptur	Pastor
Deutsch	Keller	Payne
Dingell	Kelly	Pelosi
Doggett	Kennedy (MN)	Peterson (MN)
Dooley	Kennedy (RI)	Peterson (PA)
Doolittle	Kerns	Petri
Doyle	Kildee	Phelps
Dreier	Kilpatrick	Pitts
Dunn	Kind (WI)	Platts

Pombo	Sensenbrenner	Thompson (CA)
Pomeroy	Serrano	Thompson (MS)
Portman	Sessions	Thornberry
Price (NC)	Shaw	Thune
Pryce (OH)	Shays	Thurman
Putnam	Sherman	Tiberi
Quinn	Sherwood	Towns
Rahall	Shimkus	Turner
Ramstad	Shows	Udall (CO)
Rangel	Shuster	Udall (NM)
Regula	Simmons	Upton
Rehberg	Simpson	Visclosky
Reyes	Skeen	Vitter
Reynolds	Skelton	Walsh
Rivers	Slaughter	Wamp
Rodriguez	Smith (MI)	Waters
Roemer	Smith (NJ)	Watkins (OK)
Rogers (KY)	Smith (TX)	Watson (CA)
Rogers (MI)	Snyder	Watt (NC)
Rohrabacher	Solis	Watts (OK)
Ros-Lehtinen	Souder	Waxman
Ross	Spratt	Weiner
Rothman	Stark	Weldon (FL)
Roybal-Allard	Stearns	Weldon (PA)
Rush	Stenholm	Weller
Ryan (WI)	Strickland	Whitfield
Sabo	Stump	Wicker
Sanchez	Stupak	Wilson (NM)
Sanders	Sullivan	Wilson (SC)
Sandlin	Sununu	Wolf
Sawyer	Tanner	Woolsey
Saxton	Tauscher	Wu
Schakowsky	Tauzin	Wynn
Schiff	Taylor (MS)	Young (FL)
Schrock	Terry	
Scott	Thomas	

NAYS—23

Akin	Goode	Paul
Cannon	Goodlatte	Pence
Cantor	Hostettler	Royce
Chambliss	Isakson	Ryun (KS)
Coble	Jones (NC)	Shadegg
Culberson	Kingston	Taylor (NC)
Duncan	Norwood	Toomey
Flake	Otter	

NOT VOTING—73

Ackerman	Emerson	McDermott
Baker	Engel	McHugh
Barrett	Fattah	Meehan
Barton	Fossella	Miller, Gary
Becerra	Galleghy	Miller, George
Berman	Ganske	Oberstar
Blagojevich	Gillmor	Owens
Blumenauer	Gordon	Pascarell
Bonior	Gutierrez	Pickering
Borski	Hansen	Radanovich
Boucher	Hastings (FL)	Riley
Brady (PA)	Hilleary	Roukema
Bryant	Hunter	Schaffer
Calvert	Issa	Smith (WA)
Capuano	Jenkins	Sweeney
Clay	John	Tancredo
Clement	Jones (OH)	Tiahrt
Conyers	Lantos	Tierney
Crane	Larsen (WA)	Trafigant
Cubin	Lewis (GA)	Velazquez
Deal	Lipinski	Walden
DeFazio	Lofgren	Wexler
Diaz-Balart	Manzullo	Young (AK)
Dicks	Markey	
Ehrlich	McCarthy (MO)	

□ 1018

Messrs. PENCE, AKIN, RYUN of Kansas, ISAKSON, and GOODLATTE changed their vote from "yea" to "nay."

Messrs. BLUNT, ARMEY, BARR, and WAMP, and Ms. KILPATRICK changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CLAY. Mr. Speaker, on rollcall No. 295, H.R. 4687, National Construction Safety Team Act, had I been present, I would have voted "yea."

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 295, I was unavoidably de-

tained. Had I been present, I would have voted "yea."

Mrs. CUBIN. Mr. Speaker, on roll call 295 I was detained by the construction on the Capitol Hill complex. Had I been present, I would have voted "yea."

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC today. As a result, I was unable to vote on the National Construction Safety Team Act (H.R. 4687). Had I been capable of voting, I would have voted "yea."

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 4687.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

Ms. PELOSI. Mr. Speaker, I rise for the purpose of inquiring about the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am so pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, July 15, at 12:30 p.m. for morning hour and at 2 o'clock p.m. for legislative business.

I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Recorded votes on Monday will be postponed until 6:30 p.m.

On Tuesday and the balance of the week, I have scheduled the following measures for consideration in the House:

On Tuesday, H.R. 5093, the Department of Interior Appropriations Act for Fiscal Year 2003;

On Wednesday, the Treasury and Postal Operations Appropriations Act for Fiscal Year 2003;

On Thursday, the Legislative Branch Appropriations Act for Fiscal Year 2003;

And again on Thursday and on Friday, the Department of Agriculture Appropriations Act for Fiscal Year 2003.

Mr. Speaker, the conferees are meeting this morning to complete work on the President's emergency defense and homeland security supplemental appropriation request, and I intend to schedule that conference report as soon as it is available next week.

Obviously, Mr. Speaker, we have a busy and productive week ahead of us, so I would advise Members to expect long days and nights as we work to

complete our work on five appropriations bills next week.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that presentation. I would just like to know how late he expects these long days and nights to go. Are we talking 3 a.m. in the morning? Can Members make plans with their families in the evening?

Mr. ARMEY. I thank the gentlewoman for the inquiry. As the gentlewoman may have noticed, other than Monday, we have appropriations bills on each of these days. Appropriations bills come to the floor under the 5-minute rule. This provides ample opportunity for maximum participation by the Members.

One can never say for certain. We will try to work as late as is necessary to maintain the schedule for the completion of the bills, with an eye toward a reasonable time to catch our planes for our weekend work recesses at home on Friday. So while I would anticipate no extraordinarily late evenings, we must be prepared, I think, to work into the evenings each night to sustain that schedule.

Ms. PELOSI. I appreciate that.

I would like to further inquire, Mr. Speaker, if there is any other legislative business besides appropriations bills that the gentleman expects to come up next week.

Mr. ARMEY. I thank the gentlewoman for that question. We do not see anything. Obviously, we have several things out in conference, and insofar as any of those conferences, and most hopefully the emergency supplemental conference should report, we would want to bring those conference reports to the floor as quickly as possible.

Ms. PELOSI. Mr. Speaker, I would say to the leader that I had a couple of issues in that regard.

As Members know, the Senate will finish a very tough corporate accountability measure early next week that the President and the Speaker have expressed support for.

Given deep concern about the corporate scandals and impact on pensions and retirement savings of Americans, we in this House need to act as quickly as possible. Would it not make sense simply to adopt the Senate bill and send it right to the President before we leave for the August recess? Is that possible?

Mr. ARMEY. I thank the gentlewoman for her inquiry. I, too, like the gentlewoman, am so pleased that the other body has finally understood how necessary this is and has finally tried to catch up with the House, which passed a bill on April 24 with a vote of 334 to 90, and 119 Members of the gentlewoman's own party voted for that excellent product from the House.

While the other body is finally getting aware of the urgency of moving on this, and we do, indeed, hope they might complete work on a bill that relates to our work next week, we would be quite anxious to get to conference with them as quickly as possible and