

SEC. 12. ADDITIONAL APPLICABILITY.

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

SEC. 13. 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. 14. 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.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

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

SA 4515. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Section 131 is amended by adding at the end the following:

(f) CONTINUATION OF CERTAIN FUNCTIONS OF THE CUSTOMS SERVICE.—

(1) IN GENERAL.—

(A) PRESERVATION OF CUSTOMS FUNDS.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1) through (8)) may be transferred for use by any other agency or office in the Department.

(B) CUSTOMS AUTOMATION.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5).”;

(ii) in paragraph (4), by striking “(other than the excess fees determined by the Secretary under paragraph (5))”; and

(iii) by striking paragraph (5) and inserting the following:

“(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the ‘Customs Commercial and Homeland Security Automation Account’. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account from fees collected under subsection (a)(9)(A), \$350,000,000.

“(B) There is authorized to be appropriated from the Customs Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subparagraph are authorized to remain available until expended.

“(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary of the Treasury shall reduce the

amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.”.

(2) ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF THE UNITED STATES CUSTOMS SERVICE.—Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203; 19 U.S.C. 2071 note) is amended—

(A) in paragraph (1), by inserting “in consultation with the Secretary of Homeland Security” after “Secretary of the Treasury”;

(B) in paragraph (2)(A), by inserting “in consultation with the Secretary of Homeland Security” after “Secretary of the Treasury”;

(C) in paragraph (3)(A), by inserting “and the Secretary of Homeland Security” after “Secretary of the Treasury”;

(D) in paragraph (4)—

(i) by inserting “and the Under Secretary of Homeland Security for Border and Transportation” after “for Enforcement”; and

(ii) by inserting “jointly” after “shall pre-”.

(3) CONFORMING AMENDMENT.—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107-210) is amended by striking paragraph (2).

NOTICES OF HEARINGS/MEETINGS**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 17, at 9:30 a.m. in Dirksen 366.

The Committee will conduct an oversight hearing on the Federal Energy Regulatory Commission’s Notice of Proposed Rulemaking Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design, issued July 31.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Jonathan Black, United States Senate, Dirksen 364, Washington, D.C. 20510.

For further information, please call Leon Lowery at 202/224-2209 or Jonathan Black at 202/224-6722.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 18, at 9:30 a.m. in SD-366.

The purpose of the hearing is to receive testimony concerning the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy; and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, ATTN: Jonathan Black, 364 Dirksen Senate Office Building, Washington, D.C., 20510.

For further information, please call Jennifer Michael on 4-7143 or Jonathan Black on 4-6722.

AUTHORITY FOR COMMITTEES TO MEET**SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine and the Subcommittee on Transportation, Infrastructure and Nuclear Safety be authorized to meet on September 9, 2002, at 2:30 p.m. on freight and intermodal transportation.

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

COMMITTEE ON TRANSPORTATION INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, infrastructure, and Nuclear Safety be authorized to meet jointly with the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation on Monday, September 9, 2002, at 2:30 p.m. to conduct a hearing to receive testimony on freight and transportation issues. The hearing will be held in SR-253.

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

NATIONAL CONSTRUCTION SAFETY TEAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 510, H.R. 4687.

The PRESIDING OFFICER. The clerk will report the bill by title.

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Madam President, today the Senate will consider H.R. 4687, the National Construction Safety Team Act. The Senate companion, S. 2496, was introduced by Senators CLINTON, SCHUMER, LIEBERMAN, and DODD, and is currently pending before the Senate Committee on Commerce, Science, and Transportation, which I chair.

At the urging of our colleagues, particularly Senator CLINTON, the committee has agreed to move the House version of the legislation in the hopes

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.