



**Legislative Bulletin.....July 12, 2002**

**Contents:**

**H.R. 4687**—National Construction Safety Team Act

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**H.R. 4687—National Construction Safety Team Act (Boehlert)**

**Order of Business:** The bill is scheduled to be considered on Friday, July 12<sup>th</sup>, subject to an open rule. No Members have pre-printed any amendments in the *Congressional Record*.

**Summary:** H.R. 4687 would authorize **\$75 million** (divided equally among fiscal years 2003-2005) for the Director of the National Institute of Standards and Technology (NIST) to establish National Construction Safety Teams for deployment (within 48 hours, if possible) 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. The Director, in consultation with the United States Fire Administration and other appropriate federal agencies, would be charged with developing procedures for the establishment and deployment of the Teams.

Teams would be led by an individual chosen by the NIST Director. The Teams would include at least one NIST employee and non-NIST experts (who may include experts from the private sector, universities, relevant professional organizations, and federal, state, or local governments).

National Construction Safety Teams would:

- conduct investigations to establish the likely technical cause or causes of the building failure;
- evaluate the technical aspects of evacuation and emergency response procedures;
- recommend specific improvements to building standards, codes, and practices based on the findings made from their investigations and evaluations; and
- 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 investigations.

Team members (and/or the NIST Director, where relevant) would be authorized (and in some cases directed) to:

- enter and inspect buildings and building records (while preserving evidence as much as possible and reasonably avoiding interfering with building services);

- test building components and other relevant parts or materials (while preserving evidence as much as possible and reasonably avoiding interfering with building services);
- coordinate (and not interfere) with search-and-rescue efforts on site;
- coordinate investigations with engineering or other scientific researchers;
- coordinate investigations (via memoranda of understanding) with other federal agencies;
- hold hearings and briefings;
- **subpoena witnesses**;
- hire consultants;
- request the use of available services, equipment, personnel, and facilities of a federal agency or instrumentality on a reimbursable or other basis;
- confer with employees of and request the use of services, records, and facilities of state and local governments; and
- accept contributions and voluntary, uncompensated services

The NIST Director could make contracts with nonprofit entities to carry out studies related to the purpose, functions, and authorities of the Teams and provide *non*-governmental members of Teams reasonable compensation.

A National Construction Safety Team investigation would be given **priority over the investigation of any other federal agency** except that of the National Transportation Safety Board and that of any federal agency investigating an alleged criminal act on the property (relating to the building failure).

H.R. 4687 would outline various provisions regarding the public disclosure (or non-disclosure) of different types of information involved in the work of the Teams.

Within 90 days of completing an investigation, a Team would have to issue a public report on its findings. The NIST would then be charged with implementing the recommendations of the Team (after comprehensive review in conjunction with other appropriate federal agencies). No part of any report resulting from a Team investigation could be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

The NIST Director, under guidance from an advisory committee, would be required to report annually to Congress on the activities and findings of the National Construction Safety Teams.

The provisions of this legislation would apply retroactively to NIST activities in response to the terrorist attacks of September 11, 2001.

**Cost to Taxpayers:** CBO confirms that H.R. 4687 would authorize appropriations of \$25 million in FY2003 and \$75 million over the FY2003-2005 period. CBO also estimates that the bill could generate revenue (from authorized contributions) of less than \$500,000 annually.

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill would authorize the creation of National Construction Safety Teams (i.e. national building inspectors) to respond quickly to and have priority in investigating building collapses or near-collapses that cause or threaten to cause significant loss of life.

**Constitutional Authority:** The Science Committee, in House Report 107-530, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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