



May 21, 2002

The Honorable Sherwood Boehlert
Chairman, Committee on Science
U.S. House of Representatives
Washington, D.C. 20515-6301

Dear Mr. Chairman:

This is to present the views of the Administration on H.R. 4687, the National Construction Safety Team Act. The bill would authorize the National Institute of Standards and Technology (NIST) to establish investigative teams to respond to major building failure events. The teams would investigate the performance of buildings in and following such events and the probable technical cause of the building failures. Based on its technical findings, NIST would recommend improvements to standards, codes and practices. NIST would also recommend future research to improve building safety as well as evacuation and emergency response procedures. To support these investigations, the bill would provide NIST with investigatory powers, including subpoena power. The bill would also extend those powers to NIST for its proposed investigation into the collapse of buildings at the World Trade Center.

Among Federal laboratories, NIST is uniquely qualified to conduct comprehensive building failure investigations. NIST's Building and Fire Research Laboratory is the foremost in its field, and through the National Earthquake Hazards Reduction Program, NIST is the principal agency involved in R&D to improve building codes and standards for structures and lifelines. NIST has extensive disaster investigation experience and expertise – including investigations following structural or construction failures, fires, earthquakes, hurricanes, and tornadoes. Some of the most prominent of these were the 1981 collapse of a walkway in the Kansas City Hyatt Regency Hotel, the 1986 Dupont Plaza Hotel fire in San Juan, Puerto Rico, the 1994 Northridge earthquake collapses, and the 1995 Kobe, Japan earthquake building collapses.

NIST is currently proposing to undertake a building and fire safety investigation into the collapse of several of the buildings at the World Trade Center. That investigation is part of an overall proposed response plan with three main elements. One is the 24-month investigation of the building construction, materials and technical conditions that combined to cause these disasters following the initial impact of the aircraft. The second element is a multi-year research and development program to provide the technical basis to support improved building and fire codes, standards, and practices. The results of this program will support the voluntary consensus process that is used in the United States to develop codes and standards. Third, the response plan calls for an industry-led dissemination and technical assistance program to provide practical guidance and tools to

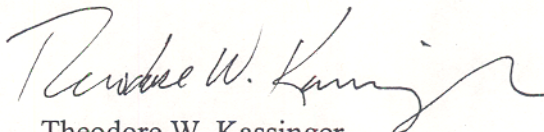
better prepare facility owners, contractors, designers, and emergency personnel to respond to future disasters.

The Administration supports the NIST response plan and has requested \$16 million as part of the Federal Emergency Management Agency's FY 2002 supplemental budget request to support the NIST investigation. The President's FY 2003 budget request to Congress also requests an increase of \$2 million in base funding to support other elements of the NIST response plan. NIST's Building and Fire Research Laboratory has already redirected about \$2 million of its existing base funds to support the response plan.

The Administration supports the intent of H.R. 4687. To this end, the Administration supports vesting NIST with subpoena power to complete full and thorough investigations of major structural failures, provided however that enforcement power rests, as is typical, with the Department of Justice. At the same time, the Administration is concerned that the historic role of NIST as a technological and standard-setting body not be materially altered by this legislation. NIST has operated effectively in the past to investigate building and structural failures, and we wish to work closely with the Congress to ensure that NIST not be tasked in this bill with inappropriate regulatory responsibilities. The Administration will seek improvements in the bill to address liability and other issues that might otherwise discourage private sector participation on investigatory teams, and to ensure that NIST is not transformed into a regulatory or quasi-regulatory agency. In addition, the Administration requests that the authorization levels conform to the President's FY 2003 budget.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that, from the standpoint of the Administration's program, there is no objection to submission of this letter.

Sincerely,



Theodore W. Kassinger

cc: The Honorable Ralph M. Hall
Ranking Minority Member