

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d)(2) to (4), was in the original “this Act”, meaning Pub. L. 107-231, Oct. 1, 2002, 116 Stat. 1471, known as the National Construction Safety Team Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7301 of this title and Tables.

AMENDMENTS

2022—Subsec. (c)(5). Pub. L. 117-167, §10246(h)(1), added par. (5).

Subsec. (d). Pub. L. 117-167, §10246(h)(2)(A), substituted “Investigation” for “Interagency” in heading.

Subsec. (d)(1). Pub. L. 117-167, §10246(h)(2)(B), inserted “or any civil suit or civil action” after “Federal agency”.

§ 7304. Briefings, hearings, witnesses, and subpoenas**(a) General authority**

The Director or his designee, on behalf of a Team, may conduct hearings, administer oaths, and require, by subpoena (pursuant to subsection (e)) and otherwise, necessary witnesses and evidence as necessary to carry out this chapter.

(b) Briefings

The Director or his designee (who may be the leader or a member of a Team), on behalf of a Team, shall hold regular public briefings on the status of investigative proceedings and findings, including a final briefing after the report required by section 7307 of this title is issued.

(c) Public hearings

During the course of an investigation by a 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 chapter 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 only 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 under this chapter, the Attorney General, acting on behalf of 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.

(Pub. L. 107-231, §5, Oct. 1, 2002, 116 Stat. 1474.)

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§ 7305. Additional powers

In order to support Teams in carrying out this chapter, the Director may—

- (1) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5;
- (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, to the extent provided in advance in appropriations Acts;
- (6) make contracts with nonprofit entities to carry out studies related to purpose, functions, and authorities of the Teams; and
- (7) provide nongovernmental members of the Team reasonable compensation for time spent carrying out activities under this chapter.

(Pub. L. 107-231, §6, Oct. 1, 2002, 116 Stat. 1474.)

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§ 7306. 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 Team shall be made available to the public on request and at reasonable cost.

(b) Exceptions

Subsection (a) does not require the release of—

- (1) information described by section 552(b) of title 5 or protected from disclosure by any other law of the United States; or
- (2) information described in subsection (a) by the National Institute of Standards and Technology or by a Team until the report required by section 7307 of this title is issued.

(c) Protection of voluntary submission of information

Notwithstanding any other provision of law, a Team, the National Institute of Standards and