

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

Technology, and any agency receiving information from a 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 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 chapter if the Director finds that the disclosure of that information might jeopardize public safety.

(Pub. L. 107-231, §7, Oct. 1, 2002, 116 Stat. 1475.)

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REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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.

§ 7307. National Construction Safety Team report

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

- (1) an analysis of the likely technical cause or causes of the building failure investigated;
- (2) any technical recommendations for changes to or the establishment of evacuation and emergency response procedures;
- (3) any 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.

(Pub. L. 107-231, §8, Oct. 1, 2002, 116 Stat. 1475.)

§ 7308. National Institute of Standards and Technology actions

After the issuance of a public report under section 7307 of this title, 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 Team; and
- (2) promote (consistent with existing procedures for the establishment of building standards, codes, and practices) the appropriate adoption by the Federal Government, and encourage the appropriate adoption by other agencies and organizations, of the recommendations of the 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.

(Pub. L. 107-231, §9, Oct. 1, 2002, 116 Stat. 1475.)

§ 7309. 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 Teams during the prior fiscal year;
- (2) a summary of recommendations made by the Teams in reports issued under section 7307 of this title during the prior fiscal year and a description of the extent to which those recommendations have been implemented; and
- (3) a description of the actions taken to improve building safety and structural integrity by the National Institute of Standards and Technology during the prior fiscal year in response to reports issued under section 7307 of this title.

(Pub. L. 107-231, §10, Oct. 1, 2002, 116 Stat. 1476.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 7310. 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 chapter and to review the procedures developed under section 7301(c)(1) of this title and the reports issued under section 7307 of this title.

(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 Team activities, along with recommendations to improve the operation and effectiveness of Teams; and
- (2) an assessment of the implementation of the recommendations of Teams and of the advisory committee.

(c) Duration of advisory committee

Section 1013 of title 5 shall not apply to the advisory committee established under this section.

(Pub. L. 107-231, §11, Oct. 1, 2002, 116 Stat. 1476; Pub. L. 117-286, §4(a)(77), Dec. 27, 2022, 136 Stat. 4314.)