

(A) regarding conflicts of interest related to service on the Team;

(B) defining the circumstances under which the Director will establish and deploy a Team;

(C) prescribing the appropriate size of Teams;

(D) guiding the disclosure of information under section 7306 of this title;

(E) guiding the conduct of investigations under this chapter, including procedures for providing written notice of inspection authority under section 7303(a) of this title and for ensuring compliance with any other applicable law;

(F) identifying and prescribing appropriate conditions for the provision by the Director of additional resources and services Teams may need;

(G) to ensure that investigations under this chapter do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure;

(H) for regular briefings of the public on the status of the investigative proceedings and findings;

(I) guiding the Teams in moving and preserving evidence as described in section 7303(a)(4), (b)(2), and (d)(4) of this title;

(J) providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures, including research conducted under the Earthquake Hazards Reduction Act of 1977 [42 U.S.C. 7701 et seq.]; and

(K) regarding such other issues as the Director considers appropriate.

(2) Publication

The Director shall publish promptly in the Federal Register final procedures, and subsequent updates thereof, developed under paragraph (1).

(Pub. L. 107-231, §2, Oct. 1, 2002, 116 Stat. 1471; Pub. L. 107-305, §15, Nov. 27, 2002, 116 Stat. 2381.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c)(1)(E), (G), 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 below and Tables.

The Earthquake Hazards Reduction Act of 1977, referred to in subsec. (c)(1)(J), is Pub. L. 95-124, Oct. 7, 1977, 91 Stat. 1098, as amended, which is classified generally to chapter 86 (§7701 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of Title 42 and Tables.

AMENDMENTS

2002—Subsec. (c)(1)(D). Pub. L. 107-305, which directed the substitution of “section 7306 of this title;” for “section 7307 of this title;” in subsec. (c)(1)(d), was executed to subsec. (c)(1)(D), to reflect the probable intent of Congress.

SHORT TITLE

Pub. L. 107-231, §1, Oct. 1, 2002, 116 Stat. 1471, provided that: “This Act [enacting this chapter and amending

section 281a of this title] may be cited as the ‘National Construction Safety Team Act.’”

§ 7302. Composition of Teams

Each Team shall be composed of individuals selected by the Director and led by an individual designated by the Director. Team members shall include at least 1 employee of the National Institute of Standards and Technology and shall include other experts who are not employees of the National Institute of Standards and Technology, who may include private sector experts, university experts, representatives of professional organizations with appropriate expertise, and appropriate Federal, State, or local officials. Team members who are not Federal employees shall be considered Federal Government contractors.

(Pub. L. 107-231, §3, Oct. 1, 2002, 116 Stat. 1472.)

§ 7303. Authorities

(a) Entry and inspection

In investigating a building failure under this chapter, members of a Team, and any other person authorized by the Director to support a Team, on display of appropriate credentials provided by the Director and written notice of inspection authority, may—

(1) enter property where a building failure being investigated has occurred, or where building components, materials, and artifacts with respect to the building failure are located, and take action necessary, appropriate, and reasonable in light of the nature of the property to be inspected to carry out the duties of the Team under section 7301(b)(2)(A) and (B) of this title;

(2) during reasonable hours, inspect any record (including any design, construction, or maintenance record), process, or facility related to the investigation;

(3) inspect and test any building components, materials, and artifacts related to the building failure; and

(4) move such records, components, materials, and artifacts as provided by the procedures developed under section 7301(c)(1) of this title.

(b) Avoiding unnecessary interference and preserving evidence

An inspection, test, or other action taken by a Team under this section shall be conducted in a way that—

(1) does not interfere unnecessarily with services provided by the owner or operator of the building components, materials, or artifacts, property, records, process, or facility; and

(2) to the maximum extent feasible, preserves evidence related to the building failure, consistent with the ongoing needs of the investigation.

(c) Coordination

(1) With search and rescue efforts

A Team shall not impede, and shall coordinate its investigation with, any search and rescue efforts being undertaken at the site of the building failure.

(2) With other research

A Team shall coordinate its investigation, to the extent practicable, with qualified researchers who are conducting engineering or scientific (including social science) research relating to the building failure.

(3) Memoranda of understanding

The National Institute of Standards and Technology shall enter into a memorandum of understanding with each Federal agency that may conduct or sponsor a related investigation, providing for coordination of investigations.

(4) With State and local authorities

A Team shall cooperate with State and local authorities carrying out any activities related to a Team's investigation.

(d) Interagency priorities**(1) In general**

Except as provided in paragraph (2) or (3), a Team investigation shall have priority over any other investigation of any other Federal agency.

(2) National Transportation Safety Board

If the National Transportation Safety Board is conducting an investigation related to an investigation of a Team, the National Transportation Safety Board investigation shall have priority over the Team investigation. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this chapter.

(3) Criminal acts

If the Attorney General, in consultation with the Director, determines, and notifies the Director, that circumstances reasonably indicate that the building failure being investigated by a Team may have been caused by a criminal act, the Team shall relinquish investigative priority to the appropriate law enforcement agency. The relinquishment of investigative priority by the Team shall not otherwise affect the authority of the Team to continue its investigation under this chapter.

(4) Preservation of evidence

If a Federal law enforcement agency suspects and notifies the Director that a building failure being investigated by a Team under this chapter may have been caused by a criminal act, the Team, in consultation with the Federal law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

(Pub. L. 107-231, §4, Oct. 1, 2002, 116 Stat. 1472.)

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.

§ 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.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (d), and (f), 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.

§ 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;