

§ 876. Subpenas**(a) Authorization of use by Attorney General**

In any investigation relating to his functions under this subchapter with respect to controlled substances, listed chemicals, tableting machines, or encapsulating machines, the Attorney General may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing; except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpoena. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) Service

A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

(c) Enforcement

In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

(Pub. L. 91-513, title II, §506, Oct. 27, 1970, 84 Stat. 1272; Pub. L. 100-690, title VI, §6058, Nov. 18, 1988, 102 Stat. 4319.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690 inserted “listed chemicals, tableting machines, or encapsulating machines,” after “with respect to controlled substances.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100-690, set out as a note under section 802 of this title.

§ 877. Judicial review

All final determinations, findings, and conclusions of the Attorney General under this subchapter shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

(Pub. L. 91-513, title II, §507, Oct. 27, 1970, 84 Stat. 1273.)

§ 878. Powers of enforcement personnel

(a) Any officer or employee of the Drug Enforcement Administration or any State, tribal, or local law enforcement officer designated by the Attorney General may—

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this subchapter; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5.

(Pub. L. 91-513, title II, §508, Oct. 27, 1970, 84 Stat. 1273; Pub. L. 96-132, §16(b), Nov. 30, 1979, 93 Stat. 1049; Pub. L. 99-570, title I, §1869, Oct. 27, 1986, 100 Stat. 3207-55; Pub. L. 99-646, §86, Nov. 10, 1986, 100 Stat. 3620; Pub. L. 111-211, title II, §232(d), July 29, 2010, 124 Stat. 2278.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211 inserted “, tribal,” after “State” in introductory provisions.

1986—Pub. L. 99-570 and Pub. L. 99-646 amended section substantially identically designating existing provisions as subsec. (a) and adding subsec. (b), with the exception of the amendment of subsec. (a) for which Pub. L. 99-570 directed the insertion of “or (with respect to offenses under this subchapter or subchapter II of this chapter) any State or local law enforcement officer” and Pub. L. 99-646 directed the insertion of “or any State or local law enforcement officer”, the latter of which was executed to reflect the probable intent of Congress.

1979—Pub. L. 96-132 substituted “Drug Enforcement Administration” for “Bureau of Narcotics and Dangerous Drugs”.