

Graduate School of the Department of Agriculture shall be subject to Federal procurement laws and regulations in the same manner and subject to the same requirements as a private entity providing services to the Federal Government.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

§ 2279c. Student internship programs

(a) Student intern subsistence program

(1) “Student intern” defined

In this subsection, the term “student intern” means a person who—

(A) is employed by the Department of Agriculture (referred to in this section as the “Department”) to assist scientific, professional, administrative, or technical employees of the Department; and

(B) is a student in good standing at an institution of higher education (as defined in section 1001 of title 20) pursuing a course of study related to the field in which the person is employed by the Department.

(2) Payment of certain expenses by the Secretary

The Secretary of Agriculture (referred to in this section as the “Secretary”) may, out of user fee funds or funds appropriated to any agency of the Department, pay for lodging expenses, subsistence expenses, and transportation expenses of a student intern at the agency (including expenses of transportation to and from the student intern’s residence at or near the institution of higher education attended by the student intern and the official duty station at which the student intern is employed).

(b) Cooperation with associations of colleges and universities

(1) Authority to cooperate

Notwithstanding chapter 63 of title 31, the Secretary may enter into cooperative agreements on an annual basis with 1 or more associations of institutions of higher education (as defined in section 1001 of title 20) for the purpose of providing for Department participation in internship programs for graduate and undergraduate students who are selected by the associations from students attending member institutions of the associations and other institutions of higher education.

(2) Internship program

An internship program supported under this subsection (referred to in this subsection as an “internship program”) shall provide work assignments for students within the Department and such other activities as the association that enters into the cooperative agreement under paragraph (1) with respect to the internship program (referred to in this subsection as the “cooperating association”) and the Secretary shall determine. The nature of Department participation in an internship program shall be developed jointly by the Secretary and the cooperating association.

(3) Program coordination

The cooperating association shall coordinate an internship program, including—

(A) the recruitment of students;

(B) arrangements for travel of the students to Washington, District of Columbia, and to agency field locations;

(C) the provision of housing for students, if required; and

(D) all activities for the students that take place outside the Department work assignments of the students.

(4) Number and selection of students

(A) Number

A cooperative agreement entered into under paragraph (1) shall specify the number of students that the Department will host each year and a list of work assignments to be provided for the students.

(B) Selection

The cooperating association shall provide the Department with a pool of student candidates meeting the requirements for each work assignment identified by the Secretary. Final selection of the students for Department internship positions shall be made by the Secretary.

(5) Cost reimbursement

From such amounts as the Secretary determines are available each fiscal year for internship programs, and subject to such regulations as the Secretary may issue, the Secretary may reimburse a cooperating association for the Department share of all direct and indirect costs of an internship program, including student stipends, transportation costs to the internship site, and other costs of an internship program.

(6) Lead agency

The Secretary may designate a lead agency within the Department to carry out this subsection.

(7) Interagency agreements

Agencies and offices within the Department other than the lead agency—

(A) may enter into interagency agreements with the lead agency to provide work assignments for students participating in an internship program; and

(B) shall reimburse the lead agency for the direct and indirect costs of each student assigned to the agency under an internship program.

(8) Federal employee status

A student who participates in an internship program shall not be considered a Federal employee, except for purposes of chapter 81 of title 5, and chapter 171 of title 28.

(Pub. L. 104-127, title IX, §922, Apr. 4, 1996, 110 Stat. 1193; Pub. L. 105-244, title I, §102(a)(1)(A), Oct. 7, 1998, 112 Stat. 1617.)

AMENDMENTS

1998—Subsecs. (a)(1)(B), (b)(1). Pub. L. 105-244 substituted “section 1001 of title 20” for “section 1141 of title 20”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see sec-

tion 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 2279d. Compensatory damages in claims under Rehabilitation Act of 1973

In any claim brought under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.] and filed with the Secretary of Agriculture after January 1994 resulting in a finding that a farmer was subjected to discrimination under any farm loan program or activity conducted by the United States Department of Agriculture in violation of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Secretary of Agriculture shall be liable for compensatory damages. Such liability shall apply to any administrative action brought before October 21, 1998, but only if the action is brought within the applicable statute of limitations and the complainant sought or seeks compensatory damages while the action is pending.

(Pub. L. 105-277, div. A, §101(a) [title VII, §742], Oct. 21, 1998, 112 Stat. 2681, 2681-31.)

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in text, is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

§ 2279e. Civil penalty

(a) In general

Any person that causes harm to, or interferes with, an animal used for the purposes of official inspections by the Department of Agriculture or the Department of Homeland Security, may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture or the Secretary of Homeland Security not to exceed \$10,000.

(b) Factors in determining civil penalty

In determining the amount of a civil penalty, the Secretary concerned shall take into account the nature, circumstance, extent, and gravity of the offense.

(c) Settlement of civil penalties

The Secretary concerned may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this section.

(d) Finality of orders

(1) In general

The order of the Secretary concerned assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28. The validity of the order of the Secretary concerned may not be reviewed in an action to collect the civil penalty.

(2) Interest

Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(e) Secretary concerned defined

In this section and section 2279f of this title, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to an animal used for purposes of official inspections by the Department of Agriculture; and

(2) the Secretary of Homeland Security, with respect to an animal used for purposes of official inspections by the Department of Homeland Security.

(Pub. L. 106-224, title V, §501, June 20, 2000, 114 Stat. 455; Pub. L. 107-296, title IV, §421(h), Nov. 25, 2002, 116 Stat. 2184.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296, §421(h)(1), inserted “or the Department of Homeland Security” after “Department of Agriculture” and “or the Secretary of Homeland Security” after “Secretary of Agriculture”.

Subsecs. (b) to (d)(1). Pub. L. 107-296, §421(h)(2), substituted “Secretary concerned” for “Secretary” wherever appearing.

Subsec. (e). Pub. L. 107-296, §421(h)(3), added subsec. (e).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 2279f. Subpoena authority

(a) In general

The Secretary concerned shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the enforcement of section 2279e of this title or any matter under investigation in connection with this section and section 2279e of this title.

(b) Location of production

The attendance of any witness and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Enforcement of subpoena

In the case of disobedience to a subpoena by any person, the Secretary concerned may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary concerned and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court’s order may be punished by the court as a contempt of the court.

(d) Compensation

Witnesses summoned by the Secretary concerned shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken, and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.