

ing, shall be subject to a civil penalty assessed by the Secretary of not more than \$500 for each offense.

(B) Each day during which such failure continues shall be considered a separate violation of such order.

(4)(A) If a person fails to pay a valid civil penalty imposed under this subsection by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in an appropriate district court of the United States.

(B) In such action, the validity and appropriateness of the order imposing such civil penalty shall not be subject to review.

**(c) Availability of additional remedies**

The remedies provided in subsections (a) and (b) shall be in addition to, and not exclusive of, other remedies that may be available.

(Pub. L. 99-198, title XVI, §1626, Dec. 23, 1985, 99 Stat. 1620.)

**§ 4816. Investigations**

**(a) Purposes**

The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this chapter; or

(2) to determine whether a person subject to this chapter has engaged, or is about to engage, in an act that constitutes, or will constitute, a violation of this chapter or an order, rule, or regulation issued under this chapter.

**(b) Oaths and affirmations; subpoenas**

(1) For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry.

(2) Such attendance of witnesses and the production of such records may be required from any place in the United States.

**(c) Judicial enforcement; contempt proceedings; service of process**

(1) In the case of contumacy, or refusal to obey a subpoena, by a person, the Secretary may invoke the aid of a court of the United States with jurisdiction over such investigation or proceeding, or where such person resides or does business, in requiring the attendance and testimony of such person and the production of such records.

(2) The court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony touching the matter under investigation.

(3) A failure to obey an order issued under this section by the court may be punished by the court as a contempt thereof.

(4) Process in such case may be served in the judicial district in which such person is an inhabitant or wherever such person may be found.

(Pub. L. 99-198, title XVI, §1627, Dec. 23, 1985, 99 Stat. 1621.)

**§ 4817. Preemption**

**(a) Promotion and consumer education; funds from pork producers**

This chapter is intended to occupy the field of—

(1) promotion and consumer education involving pork and pork products; and

(2) obtaining funds therefor from pork producers.

**(b) Additional or different State regulation prohibited**

The regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from this chapter may not be imposed by a State.

**(c) Application of section**

This section shall apply only during a period beginning on the date of the commencement of the collection of assessments under section 4809 of this title and ending on the date of the termination of the collection of assessments under section 4811(a)(3) or 4811(b)(1)(B)<sup>1</sup> of this title.

(Pub. L. 99-198, title XVI, §1628, Dec. 23, 1985, 99 Stat. 1621.)

**§ 4818. Administrative provision**

The provisions of this chapter applicable to orders shall be applicable to amendments to orders.

(Pub. L. 99-198, title XVI, §1629, Dec. 23, 1985, 99 Stat. 1621.)

**§ 4819. Authorization of appropriations**

(a) There are authorized to be appropriated such sums as may be necessary for the Secretary to carry out this chapter, subject to reimbursement from the Board under section 4809(c)(3)(B)(iv) of this title.

(b) Sums appropriated to carry out this chapter shall not be available for payment of an expense or expenditure incurred by the Board in administering an order.

(Pub. L. 99-198, title XVI, §1630, Dec. 23, 1985, 99 Stat. 1621.)

**CHAPTER 80—WATERMELON RESEARCH AND PROMOTION**

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<sup>1</sup> So in original. Probably should be "section 4811(b)(2)(A) or 4812(b)(1)(B)".