

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.

(e) Procedures

The Secretary concerned shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary concerned. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) Scope of subpoena

Subpoenas for witnesses to attend court in any judicial district or testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under section 2279e of this title may run to any other judicial district.

(Pub. L. 106-224, title V, § 502, June 20, 2000, 114 Stat. 455; Pub. L. 107-296, title IV, § 421(h)(2), Nov. 25, 2002, 116 Stat. 2184.)

AMENDMENTS

2002—Subsecs. (a), (c) to (e). Pub. L. 107-296 substituted “Secretary concerned” for “Secretary” wherever appearing.

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.

§ 2279g. Marketing services; cooperative agreements

Notwithstanding chapter 63 of title 31, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service, on and after February 20, 2003, may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation’s animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation’s food supply.

(Pub. L. 108-7, div. A, title VII, § 713, Feb. 20, 2003, 117 Stat. 39.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107-76, title VII, § 713, Nov. 28, 2001, 115 Stat. 733.

Pub. L. 106-387, § 1(a) [title VII, § 713], Oct. 28, 2000, 114 Stat. 1549, 1549A-29.