

and executed by the Secretary or any United States Marshal.

(Pub. L. 106-224, title IV, § 421, June 20, 2000, 114 Stat. 448.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (2) and (c), was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, known as the Plant Protection Act, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out under section 7701 of this title and Tables.

#### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 7732. Collection of information

The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this chapter.

(Pub. L. 106-224, title IV, § 422, June 20, 2000, 114 Stat. 449.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, known as the Plant Protection Act, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out under section 7701 of this title and Tables.

#### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 7733. Subpoena authority

#### (a) Authority to issue

The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this chapter or any matter under investigation in connection with this chapter.

#### (b) Location of production

The attendance of any witness and production of evidence relevant to the inquiry may be required from any place in the United States.

#### (c) Enforcement of Subpoena

In the case of disobedience to a subpoena by any person, the Secretary may request the At-

torney 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, the production of evidence, or the inspection of premises. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question, produce evidence, or permit the inspection of premises. 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 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 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. If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(Pub. L. 106-224, title IV, § 423, June 20, 2000, 114 Stat. 449; Pub. L. 107-171, title X, § 10418(b)(2), May 13, 2002, 116 Stat. 508; Pub. L. 110-234, title X, § 10203(c), May 22, 2008, 122 Stat. 1343; Pub. L. 110-246, § 4(a), title X, § 10203(c), June 18, 2008, 122 Stat. 1664, 2104.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, known as the Plant Protection Act, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out under section 7701 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 10203(c)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the administration or enforcement of this chapter or any matter under investigation in connection with this chapter.”

Subsec. (b). Pub. L. 110-246, § 10203(c)(2), struck out “documentary” before “evidence”.

Subsec. (c). Pub. L. 110-246, § 10203(c)(3), in first sentence substituted “testimony of any witness, the production of evidence, or the inspection of premises” for “testimony of any witness and the production of documentary evidence” and in second sentence substituted “question, produce evidence, or permit the inspection