

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.

**(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