

**(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 section 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, may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture not to exceed \$10,000.

**(b) Factors in determining civil penalty**

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

**(c) Settlement of civil penalties**

The Secretary 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 assessing a civil penalty shall be treated as a final order re-

viewable under chapter 158 of title 28. The validity of the order of the Secretary 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.

(Pub. L. 106-224, title V, §501, June 20, 2000, 114 Stat. 455.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2279f of this title.

**§ 2279f. Subpoena authority****(a) In general**

The Secretary 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 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 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 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, 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.)

#### CHAPTER 55A—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

Sec.	
2281.	Congressional declaration of purpose.
2282.	Definitions.
2283.	Membership on advisory committees.
	(a) Simultaneous service.
	(b) Service by more than one officer or employee of corporation or non-Federal entity.
	(c) Maximum length.
2284.	Repealed.
2285.	Budget prohibitions.
2286.	Termination of committees.
2287 to 2289.	Omitted.

##### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 390b, 390c, 450i, 3124a, 3129a, 3152, 3196 of this title; title 19 section 2155; title 21 section 679a.

#### § 2281. Congressional declaration of purpose

The purposes of this chapter are to—

- (1) require strict financial and program accounting by advisory committees of the Department of Agriculture;
- (2) assure balance and objectivity in the membership of such advisory committees; and
- (3) prevent the formation or continuation of unnecessary advisory committees by the Department of Agriculture.

(Pub. L. 95-113, title XVIII, § 1801, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97-98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

##### AMENDMENTS

1981—Pub. L. 97-98 reenacted section without change.

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

##### EFFECTIVE DATE

Chapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of this title.

##### SOYBEAN RESEARCH ADVISORY INSTITUTE; ESTABLISHMENT, COMPOSITION, ETC.

Section 1446 of Pub. L. 97-98 provided for the establishment of a Soybean Research Advisory Institute for the purpose of preparing and submitting to Senate Committee on Agriculture, Nutrition, and Forestry and House Committee on Agriculture, not later than Mar. 1, 1983, a comprehensive report, with appropriate recommendations, on the findings of the Institute regarding research on soybean production and utilization, prior to repeal by Pub. L. 99-198, title XIV, § 1434, Dec. 23, 1985, 99 Stat. 1557.

#### § 2282. Definitions

When used in this chapter—

- (1) the term “Secretary” means the Secretary of Agriculture of the United States;
- (2) the term “Department of Agriculture” means the United States Department of Agriculture; and

(3) the term “advisory committee” means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof that is established or utilized by the Department of Agriculture in the interest of obtaining advice or recommendations for the President or the Department of Agriculture, except that such term excludes any committee which (A) is composed wholly of full-time officers or employees of the Federal Government, (B) is established by statute or reorganization plan, or (C) is established by the President.

(Pub. L. 95-113, title XVIII, § 1802, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97-98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

##### AMENDMENTS

1981—Pub. L. 97-98 reenacted section without change.

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### § 2283. Membership on advisory committees

##### (a) Simultaneous service

No person other than an officer or employee of the Department of Agriculture may serve simultaneously on more than one advisory committee, unless authorized by the Secretary.

##### (b) Service by more than one officer or employee of corporation or non-Federal entity

Not more than one officer or employee of any corporation or other non-Federal entity, including all subsidiaries and affiliates thereof, may serve on the same advisory committee at any one time, unless authorized by the Secretary.

##### (c) Maximum length

No person other than an officer or employee of the Department of Agriculture may serve for more than six consecutive years on an advisory committee, unless authorized by the Secretary.

(Pub. L. 95-113, title XVIII, § 1803, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97-98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

##### AMENDMENTS

1981—Pub. L. 97-98 substituted provision relating to membership on advisory committees for provision relating to establishment of advisory committees.

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### § 2284. Repealed. Pub. L. 105-362, title I, § 101(c), Nov. 10, 1998, 112 Stat. 3281

Section, Pub. L. 95-113, title XVIII, § 1804, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97-98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270, required annual reports to Congress.

#### § 2285. Budget prohibitions

No advisory committee may expend funds in excess of its estimated annual operating costs by more than 10 per centum or \$500, whichever is greater, until it provides the Secretary with an