

Pub. L. 101-508, §1202(c)(1), which directed the insertion of “, subsection (e) of this section, and subsection (f) of this section” before the period was executed by making the insertion before the period at the end thereof as the probable intent of Congress.

Subsec. (f)(4). Pub. L. 101-508, §1202(c)(2), added par. (4).

1988—Subsec. (a)(2). Pub. L. 100-418 substituted “chapter 24 of the Harmonized Tariff Schedule of the United States” for “Schedule 1, Part 13, Tariff Schedules of the United States”.

1985—Subsec. (d). Pub. L. 99-198, §1161(b), inserted “and subsection (e)” after “subsection (a)(1)” in second sentence.

Subsec. (e). Pub. L. 99-198, §1161(a), added subsec. (e).
Subsec. (f). Pub. L. 99-198, §1166, added subsec. (f).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 1301 of title I of Pub. L. 101-508 provided that: “This title and the amendments made by this title [enacting section 940d of this title, amending this section and sections 1441-2, 1444-2, 1444f, 1445, 1445b-3a, 1445c-3, 1445j, 1446e, 1446f to 1446h, 1722, 1736, 1736a, 1783, 1994, 1999, and 5822 of this title and section 136a of Title 21, Food and Drugs, enacting provisions set out as notes under sections 136w, 1421, and 1445b-3a of this title, and amending provisions set out as notes under sections 1421 and 1999 of this title] shall become effective 1 day after the date of enactment of the Food, Agriculture, Conservation, and Trade Act of 1990 [Nov. 28, 1990], or December 1, 1990, whichever is earlier.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as a note under section 3001 of Title 19, Customs Duties.

WAIVER AUTHORITY OF PRESIDENT

For provision that President may waive application of amendment to this section by section 1106(c) of Pub. L. 103-66, if President determines that waiver is necessary or appropriate pursuant to an international agreement entered into by United States, see section 422(c) of Pub. L. 103-465 set out as a note under section 1445 of this title.

§ 511s. Grading of tobacco

(1) In general

Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct referenda among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether such producers favor the mandatory grading of that kind of tobacco by the Secretary.

(2) Mandatory grading

(A) In general

If the Secretary determines that mandatory grading is favored by a majority of the producers of a kind of tobacco voting in the referendum, the Secretary is authorized and directed to ensure that the kind of tobacco is graded at the time of sale effective for the 2002 and subsequent marketing years.

(B) Fees

To the maximum extent practicable, the Secretary shall establish, collect, and use fees for the grading of tobacco required under this section in the same manner as user fees for the grading of tobacco sold at auction author-

ized under the Tobacco Inspection Act (7 U.S.C. 511 et seq.).

(3) Judicial review

A determination by the Secretary under this section shall not be subject to judicial review.

(Pub. L. 107-76, title VII, §759(a), Nov. 28, 2001, 115 Stat. 741.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in par. (1), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Tobacco Inspection Act, referred to in par. (2)(B), is act Aug. 23, 1935, ch. 623, 49 Stat. 731, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see section 511q of this title and Tables.

CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002, and not as part of The Tobacco Inspection Act which comprises this chapter.

CHAPTER 21B—TOBACCO CONTROL

- Sec. 515. Consent of Congress to production compacts between States; uniformity; withdrawal of consent; limitation on consent.
- 515a. Definitions.
- 515b. Advancement of funds to compacting States; repayment.
- 515c. Designation of persons to deal with compacting States.
- 515d. Loans to associations of tobacco producers.
- 515e. Availability of Department of Agriculture records and facilities to compacting States.
- 515f. Authorization of appropriations; disposition of repayments of loans.
- 515g. Agencies to which funds available.
- 515h. Effect of compacts between States producing cigar tobacco on Puerto Rican commerce.
 - (a) Determination of world consumption; “crop year” defined.
 - (b) Determination of marketing quota for Puerto Rico.
 - (c) Establishment of marketing quota for each Puerto Rican farm.
 - (d) Uniform adjustment of marketing quotas.
 - (e) Issuance of marketing certificates.
 - (f) Payments for production deficits due to adverse conditions.
 - (g) Prohibition of sale, etc., without certificate.
- 515i. Disposition of receipts under section 515h.
- 515j. Separability.
- 515k. Rules and regulations.
- 516, 517. Repealed.

§515. Consent of Congress to production compacts between States; uniformity; withdrawal of consent; limitation on consent

The Congress of the United States of America consents that any of the States in which tobacco is produced may negotiate a compact or compacts for the purpose of regulating and controlling the production of, or commerce in, any one or more kinds of tobacco therein: *Provided*, That all State acts authorizing such compact or compacts shall be essentially uniform and in no way