

§ 511n. Hearings; examination of witnesses; refusal to testify or produce evidence

In carrying on the work authorized in this chapter, the Secretary, or any officer or employee designated by him for such purpose, shall have power to hold hearings, administer oaths, sign and issue subpoenas, examine witnesses, and require the production of books, records, accounts, memoranda, and papers. Upon refusal by any person to appear, testify, or produce books, records, accounts, memoranda, and papers in response to a subpoena, the proper United States district court shall have power to compel obedience thereto.

(Aug. 23, 1935, ch. 623, § 15, 49 Stat. 735.)

§ 511o. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Aug. 23, 1935, ch. 623, § 16, 49 Stat. 735.)

§ 511p. Delegation of duties by Secretary of Agriculture

Any duties devolving upon the Secretary of Agriculture by virtue of the provisions of this chapter may with like force and effect be executed by such officer or officers, agent or agents, of the Department of Agriculture as the Secretary may designate for the purpose.

(Aug. 23, 1935, ch. 623, § 17, 49 Stat. 735.)

§ 511q. Short title

This chapter may be cited as “The Tobacco Inspection Act.”

(Aug. 23, 1935, ch. 623, § 18, 49 Stat. 735.)

§ 511r. Repealed. Pub. L. 108-357, title VI, § 611(b), Oct. 22, 2004, 118 Stat. 1522

Section, Pub. L. 98-180, title II, § 213, Nov. 29, 1983, 97 Stat. 1149; Pub. L. 99-198, title XI, §§ 1161, 1166, Dec. 23, 1985, 99 Stat. 1498, 1501; Pub. L. 100-418, title I, § 1214(b), Aug. 23, 1988, 102 Stat. 1156; Pub. L. 101-508, title I, § 1204(c), Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 101-624, title XXV, § 2511, Nov. 28, 1990, 104 Stat. 4073; Pub. L. 103-66, title I, § 1106(c), Aug. 10, 1993, 107 Stat. 323, related to inspection of imported tobacco.

EFFECTIVE DATE OF REPEAL

Repeal applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108-357, set out as an Effective Date note under section 518 of this title.

SAVINGS PROVISION

Repeal not to affect the liability of any person under this section with respect to the 2004 or an earlier crop of tobacco, see section 614 of Pub. L. 108-357, set out as a note under section 515 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 authorized 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

§§ 515 to 515k. Repealed. Pub. L. 108-357, title VI, § 611(c), Oct. 22, 2004, 118 Stat. 1522

Section 515, act Apr. 25, 1936, ch. 249, § 1, 49 Stat. 1239, related to tobacco production compacts between States.

Section 515a, act Apr. 25, 1936, ch. 249, § 2, 49 Stat. 1240, defined terms as used in this chapter.

Section 515b, act Apr. 25, 1936, ch. 249, § 3, 49 Stat. 1240, related to advancement of funds for administrative expenses.

Section 515c, act Apr. 25, 1936, ch. 249, § 4, 49 Stat. 1240, related to designation of persons to provide advice with compact administration.

Section 515d, act Apr. 25, 1936, ch. 249, § 5, 49 Stat. 1240, related to loans to certain associations of tobacco producers.

Section 515e, act Apr. 25, 1936, ch. 249, § 6, 49 Stat. 1241, related to availability of Department of Agriculture records and facilities.

Section 515f, act Apr. 25, 1936, ch. 249, § 7, 49 Stat. 1241, authorized appropriations and provided for disposition of repayments of advances or loans.

Section 515g, act Apr. 25, 1936, ch. 249, § 8, 49 Stat. 1241, related to availability of funds to other agencies.

Section 515h, act Apr. 25, 1936, ch. 249, §9, 49 Stat. 1241, related to effect of compacts between States producing cigar tobacco on Puerto Rican commerce.

Section 515i, act Apr. 25, 1936, ch. 249, §10, 49 Stat. 1242, related to disposition of receipts from sales of marketing certificates.

Section 515j, act Apr. 25, 1936, ch. 249, §11, 49 Stat. 1242, related to separability of provisions.

Section 515k, act Apr. 25, 1936, ch. 249, §12, 49 Stat. 1242, authorized promulgation of rules and regulations.

EFFECTIVE DATE OF REPEAL

Repeal applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108-357, set out as an Effective Date note under section 518 of this title.

SHORT TITLE

Act Apr. 25, 1936, which was classified to this chapter, was popularly known as the “Tobacco Control Act”.

SAVINGS PROVISION

Pub. L. 108-357, title VI, §614, Oct. 22, 2004, 118 Stat. 1524, provided that: “The amendments made by this subtitle [subtitle A (§§611-614) of title VI of Pub. L. 108-357, amending sections 609, 1282, 1301, 1303, 1314h, 1361, 1371, 1373, 1375, 1378, 1379, 1428, 1433c-1, and 1441 of this title and section 714c of Title 15, Commerce and Trade, repealing sections 511r, 515 to 515k, 625, 1311 to 1314, 1314-1, 1314b, 1314b-1, 1314b-2, 1314c to 1314j, 1315, 1316, 1445, 1445-1, and 1445-2 of this title, and repealing provisions set out as a note under section 1314c of this title] shall not affect the liability of any person under any provision of law so amended with respect to the 2004 or an earlier crop of each kind of tobacco.”

§§ 516, 517. Repealed. Pub. L. 102-237, title X, § 1019, Dec. 13, 1991, 105 Stat. 1906

Section 516, act June 5, 1940, ch. 232, §1, 54 Stat. 231, prohibited exportation of seeds or plants without permit.

Section 517, act June 5, 1940, ch. 232, §2, 54 Stat. 231, provided penalty for violations.

CHAPTER 21C—TOBACCO REFORM

SUBCHAPTER I—TRANSITIONAL PAYMENTS TO TOBACCO QUOTA HOLDERS AND PRODUCERS OF TOBACCO

- Sec. 518. Definitions.
- 518a. Contract payments to tobacco quota holders.
- 518b. Contract payments for producers of quota tobacco.
- 518c. Administration.
- 518d. Use of assessments as source of funds for payments.
- 518e. Tobacco Trust Fund.
- 518f. Limitation on total expenditures.

SUBCHAPTER II—IMPLEMENTATION AND TRANSITION

- 519. Treatment of tobacco loan pool stocks and outstanding loan costs.
- 519a. Regulations.

SUBCHAPTER I—TRANSITIONAL PAYMENTS TO TOBACCO QUOTA HOLDERS AND PRODUCERS OF TOBACCO

§ 518. Definitions

In this subchapter and subchapter II:

(1) Agricultural Act of 1949

The term “Agricultural Act of 1949” means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect on the day before October 22, 2004.

(2) Agricultural Adjustment Act of 1938

The term “Agricultural Adjustment Act of 1938” means the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.), as in effect on the day before October 22, 2004.

(3) Considered planted

The term “considered planted” means tobacco that was planted, but failed to be produced as a result of a natural disaster, as determined by the Secretary.

(4) Contract

The term “contract” means a contract entered into under section 518a or 518b of this title.

(5) Contract payment

The term “contract payment” means a payment made under section 518a or 518b of this title pursuant to a contract.

(6) Producer of quota tobacco

The term “producer of quota tobacco” means an owner, operator, landlord, tenant, or sharecropper that shared in the risk of producing tobacco on a farm where tobacco was produced or considered planted pursuant to a tobacco farm poundage quota or farm acreage allotment established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

(7) Quota tobacco

The term ‘quota tobacco’¹ means a kind of tobacco that is subject to a farm marketing quota or farm acreage allotment for the 2004 tobacco marketing year under a marketing quota or allotment program established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

(8) Tobacco

The term “tobacco” means each of the following kinds of tobacco:

- (A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.
- (B) Fire-cured tobacco, comprising types 22 and 23.
- (C) Dark air-cured tobacco, comprising types 35 and 36.
- (D) Virginia sun-cured tobacco, comprising type 37.
- (E) Virginia fire-cured tobacco, comprising type 21.
- (F) Burley tobacco, comprising type 31.
- (G) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 53, 54, and 55.

(9) Tobacco quota holder

The term “tobacco quota holder” means a person that was an owner of a farm, as of October 22, 2004, for which a basic tobacco farm marketing quota or farm acreage allotment for quota tobacco was established for the 2004 tobacco marketing year.

(10) Tobacco Trust Fund

The term “Tobacco Trust Fund” means the Tobacco Trust Fund established under section 518e of this title.

¹ So in original.