

§ 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 Repealed.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”.