Treasury not otherwise appropriated, such sums as may be necessary for administering this chapter.

(Aug. 23, 1935, ch. 623, § 14, 49 Stat. 734; Oct. 28, 1949, ch. 782, title II, § 202(28), title XI, § 1106(a), 63 Stat. 956, 972.)

Editorial Notes

CODIFICATION

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''the Classification Act of 1949'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

Statutory Notes and Related Subsidiaries

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 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 subpenas, 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 subpena, the proper United States district court shall have power to compel obedience thereto.

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

§ 511*o*. 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 Repealed.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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in par. (1), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, 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, 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 Re-