

104TH CONGRESS  
1ST SESSION

# H. R. 2653

To amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to improve the operation of the Government Flue-cured and Burley tobacco programs.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1995

Mr. ROSE (for himself and Mr. BAESLER) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to improve the operation of the Government Flue-cured and Burley tobacco programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Tobacco Amendments Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Elimination of Federal budgetary outlays for tobacco programs.

- Sec. 3. Establishment of farm yield for Flue-cured tobacco based on individual farm production history.
- Sec. 4. Removal of farm reconstitution exception for Burley tobacco.
- Sec. 5. Reduction in percentage threshold for transfer of Flue-cured tobacco quota in cases of disaster.
- Sec. 6. Expansion of types of tobacco subject to no net cost assessment.
- Sec. 7. Repeal of reporting requirements relating to export of tobacco.
- Sec. 8. Repeal of limitation on reducing national marketing quota for Flue-cured and Burley tobacco.
- Sec. 9. Application of civil penalties under Tobacco Inspection Act.
- Sec. 10. Transfers of quota or allotment across county lines in a State.
- Sec. 11. Calculation of national marketing quota.
- Sec. 12. Clarification of authority to access civil money penalties.
- Sec. 13. Lease and transfer of farm marketing quotas for Burley tobacco.
- Sec. 14. Limitation on transfer of acreage allotments of other tobacco.
- Sec. 15. Good faith reliance on actions or advice of Department representatives.
- Sec. 16. Uniform forfeiture dates for Flue-cured and Burley tobacco.
- Sec. 17. Sale of Burley and Flue-cured tobacco marketing quotas for a farm by recent purchasers.

1 **SEC. 2. ELIMINATION OF FEDERAL BUDGETARY OUTLAYS**  
 2 **FOR TOBACCO PROGRAMS.**

3 Section 106(g)(1) of the Agricultural Act of 1949 (7  
 4 U.S.C. 1445(g)(1)) is amended—

5 (1) by striking “1998” and inserting “2002”;

6 and

7 (2) by inserting after “equal to” the following:

8 “a pro rata share of the total amount of the costs  
 9 of other Department of Agriculture programs related  
 10 to tobacco production or processing that are not re-  
 11 quired to be covered by user fees or by contributions  
 12 or assessments under section 106A(d)(1) or  
 13 106B(d)(1), but in no event less than”.

1 **SEC. 3. ESTABLISHMENT OF FARM YIELD FOR FLUE-CURED**  
2 **TOBACCO BASED ON INDIVIDUAL FARM PRO-**  
3 **DUCTION HISTORY.**

4 (a) METHOD OF DETERMINING FARM ACREAGE AL-  
5 LOTMENTS.—Subsection (a) of section 317 of the Agricul-  
6 tural Adjustment Act of 1938 (7 U.S.C. 1314c) is amend-  
7 ed by striking paragraphs (2) through (8) and inserting  
8 the following new paragraphs:

9 “(2) FARM ACREAGE ALLOTMENTS.—The term  
10 ‘farm acreage allotment’ for a tobacco farm, other  
11 than a new tobacco farm, means the acreage allot-  
12 ment determined by dividing the farm marketing  
13 quota by the farm yield.

14 “(3) FARM YIELD.—The term ‘farm yield’  
15 means the yield per acre for a farm determined ac-  
16 cording to regulations issued by the Secretary and  
17 which would be expected to result in a quality of to-  
18 bacco acceptable to the tobacco trade.

19 “(4) FARM MARKETING QUOTA.—

20 “(A) IN GENERAL.—The term ‘farm mar-  
21 keting quota’ for a farm for a marketing year  
22 means a number that is equal to the number of  
23 pounds of tobacco determined by multiplying—

24 “(i) the farm marketing quota for the  
25 farm for the previous marketing year

1 (prior to any adjustment for  
2 undermarketing or overmarketing); by

3 “(ii) the national factor.

4 “(B) ADJUSTMENT.—The farm marketing  
5 quota determined under subparagraph (A) for a  
6 marketing year shall be increased for  
7 undermarketing or decreased for overmarketing  
8 by the number of pounds by which marketings  
9 of tobacco from the farm during the immediate  
10 preceding marketing year (if marketing quotas  
11 were in effect for that year under the program  
12 established by this section) is less than or ex-  
13 ceeds the farm marketing quota for such year.  
14 Notwithstanding the preceding sentence, the  
15 farm marketing quota for a marketing year  
16 shall not be increased under this subparagraph  
17 for undermarketing by an amount in excess of  
18 the farm marketing quota determined for the  
19 farm for the immediately preceding year prior  
20 to any increase for undermarketing or decrease  
21 for overmarketing. If due to excess marketing  
22 in the preceding marketing year, the farm mar-  
23 keting quota for the marketing year is reduced  
24 to zero pounds without reflecting the entire re-  
25 duction required, the additional reduction shall

1 be made for the subsequent marketing year or  
2 years.

3 “(5) NATIONAL FACTOR.—The term ‘national  
4 factor’ for a marketing year means a number ob-  
5 tained by dividing—

6 “(A) the national marketing quota (less  
7 the reserve provided for under subsection (e));  
8 by

9 “(B) the sum of the farm marketing  
10 quotas (prior to any adjustments for  
11 undermarketing or overmarketing) for the im-  
12 mediate preceding marketing year for all farms  
13 for which marketing quotas for the kind of to-  
14 bacco involved will be determined for such suc-  
15 ceeding marketing year.”.

16 (b) CONFORMING AMENDMENTS.—Such section is  
17 further amended—

18 (1) in the first sentence of subsection (b), by  
19 striking “and the national acreage allotment and na-  
20 tional average yield goal for the 1965 crop of Flue-  
21 cured tobacco,”;

22 (2) in the first sentence of subsection (c), by  
23 striking “and at the same time announce the na-  
24 tional acreage allotment and national average yield  
25 goal”;

1 (3) in subsection (d)—

2 (A) in the sixth sentence, by striking “, na-  
3 tional acreage allotment, and national average  
4 yield goal”;

5 (B) in the eighth sentence, by striking “,  
6 national acreage allotment and national average  
7 yield goal”; and

8 (C) in the ninth sentence, by striking “,  
9 national acreage allotment, and national aver-  
10 age goal are” and inserting “is”;

11 (4) in subsection (e)—

12 (A) in the first sentence, by striking “No  
13 farm acreage allotment or farm yield shall be  
14 established” and inserting “A farm marketing  
15 quota and farm yield shall not be established”;

16 (B) in the second sentence, by striking  
17 “acreage allotment” both places it appears and  
18 inserting “marketing quota”;

19 (C) in the second sentence, by striking  
20 “acreage allotments” both places it appears and  
21 inserting “marketing quotas”; and

22 (D) in the last sentence, by striking “acre-  
23 age allotment” and inserting “marketing  
24 quota”; and

25 (5) in subsection (g)—

1 (A) in paragraph (1), by striking “para-  
2 graph (a)(8)” and inserting “subsection  
3 (a)(4)”; and

4 (B) in paragraph (3), by striking “sub-  
5 section (a)(8)” and inserting “subsection  
6 (a)(4)”.

7 (c) FARM MARKETING QUOTA REDUCTIONS.—Sub-  
8 section (f) of such section is amended to read as follows:  
9 “(f) CAUSES FOR FARM MARKETING QUOTA REDUC-  
10 TION.—(1) When an acreage-poundage program is in ef-  
11 fect for any kind of tobacco under this section, the farm  
12 marketing quota next established for a farm shall be re-  
13 duced by the amount of such kind of tobacco produced  
14 on the farm—

15 “(A) which was marketed as having been pro-  
16 duced on a different farm;

17 “(B) for which proof of disposition is not fur-  
18 nished as required by the Secretary;

19 “(C) on acreage equal to the difference between  
20 the acreage reported by the farm operator or a duly  
21 authorized representative and the determined acre-  
22 age for the farm; and

23 “(D) as to which any producer on the farm  
24 filed, or aids, or acquiesces, in the filing of any false

1 report with respect to the production or marketing  
2 of tobacco.

3 “(2) If the Secretary, through the local committee,  
4 finds that no person connected with a farm caused, aided,  
5 or acquiesced in any irregularity described in paragraph  
6 (1), the next established farm marketing quota shall not  
7 be reduced under this subsection.

8 “(3) The reduction required under this subsection  
9 shall be in addition to any other adjustments made pursu-  
10 ant to this section.

11 “(4) In establishing farm marketing quotas for other  
12 farms owned by the owner displaced by acquisition of the  
13 owner’s land by any agency, as provided in section 378  
14 of this Act, increases or decreases in such farm marketing  
15 quotas as provided in this section shall be made on ac-  
16 count of marketings below or in excess of the farm mar-  
17 keting quotas for the farm acquired by the agency.

18 “(5) Acreage allotments and farm marketing quotas  
19 determined under this section may (except in the case of  
20 kinds of tobacco not subject to section 316) be leased and  
21 sold under the terms and conditions in section 316 of this  
22 Act, except that any credit for undermarketing or charge  
23 for overmarketing shall be attributed to the farm to which  
24 transferred.”.

1 (d) EFFECT OF AMENDMENTS ON CURRENT TO-  
2 BACCO CROP.—Section 317 of the Agricultural Adjust-  
3 ment Act of 1938 (7 U.S.C. 1314c), as in effect on the  
4 day before the date of the enactment of this Act, shall  
5 continue to apply with respect to the 1996 crop of Flue-  
6 cured tobacco.

7 **SEC. 4. REMOVAL OF FARM RECONSTITUTION EXCEPTION**  
8 **FOR BURLEY TOBACCO.**

9 Section 379(a)(6) of the Agricultural Adjustment Act  
10 of 1938 (7 U.S.C. 1379(a)(6)) is amended by striking “,  
11 but this clause (6) shall not be applicable in the case of  
12 burley tobacco”.

13 **SEC. 5. REDUCTION IN PERCENTAGE THRESHOLD FOR**  
14 **TRANSFER OF FLUE-CURED TOBACCO QUOTA**  
15 **IN CASES OF DISASTER.**

16 The second subsection (h) in section 316 of the Agri-  
17 cultural Adjustment Act of 1938 (7 U.S.C. 1314b) is  
18 amended by striking “90 percent” in paragraph (1)(A)  
19 and inserting “80 percent”.

20 **SEC. 6. EXPANSION OF TYPES OF TOBACCO SUBJECT TO NO**  
21 **NET COST ASSESSMENT.**

22 (a) NO NET COST TOBACCO FUND.—Section  
23 106A(d)(1)(A) of the Agricultural Act of 1949 (7 U.S.C.  
24 1445–1(d)(1)(A)) is amended—

1 (1) in clause (ii), by inserting after “Burley  
2 quota tobacco” the following: “and cigar-type quota  
3 tobacco”; and

4 (2) in clause (iii)—

5 (A) in the matter preceding the subclauses,  
6 by striking “Flue-cured or Burley tobacco” and  
7 inserting “each kind of tobacco for which price  
8 support is made available under this Act, and  
9 each kind of like tobacco,”; and

10 (B) by striking subclause (II) and insert-  
11 ing the following new subclause:

12 “(II) the sum of the amount of the  
13 per pound producer contribution and pur-  
14 chaser assessment (if any) for such kind of  
15 tobacco payable under clauses (i) and (ii);  
16 and”.

17 (b) NO NET COST TOBACCO ACCOUNT.—Section  
18 106B(d)(1) of the Agricultural Act of 1949 (7 U.S.C.  
19 1445–2(d)(1)) is amended—

20 (1) in subparagraph (B), by inserting after  
21 “Burley quota tobacco” the following: “and cigar-  
22 type quota tobacco”; and

23 (2) in subparagraph (C), by striking “Flue-  
24 cured and Burley tobacco” and inserting “each kind

1 of tobacco for which price support is made available  
2 under this Act, and each kind of like tobacco,”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect 60 days after the date of the  
5 enactment of this Act.

6 **SEC. 7. REPEAL OF REPORTING REQUIREMENTS RELATING**  
7 **TO EXPORT OF TOBACCO.**

8 Section 214 of the Tobacco Adjustment Act of 1983  
9 (7 U.S.C. 509) is repealed.

10 **SEC. 8. REPEAL OF LIMITATION ON REDUCING NATIONAL**  
11 **MARKETING QUOTA FOR FLUE-CURED AND**  
12 **BURLEY TOBACCO.**

13 (a) FLUE-CURED TOBACCO.—Section 317(a)(1) of  
14 the Agricultural Adjustment Act of 1938 (7 U.S.C.  
15 1314c(a)(1)) is amended by striking subparagraph (C).

16 (b) BURLEY TOBACCO.—Section 319(c)(3) of the Ag-  
17 ricultural Adjustment Act of 1938 (7 U.S.C. 1314e(c)(3))  
18 is amended by striking subparagraph (C).

19 **SEC. 9. APPLICATION OF CIVIL PENALTIES UNDER TO-**  
20 **BACCO INSPECTION ACT.**

21 Section 12 of the Tobacco Inspection Act (7 U.S.C.  
22 511k) is amended—

23 (1) by inserting “(a) FINE FOR VIOLATIONS.—  
24 ” after “That any person”; and

1           (2) by adding at the end the following new sub-  
2 sections:

3           “(b) JURISDICTION.—The district courts of the  
4 United States are vested with jurisdiction specifically to  
5 enforce, and to prevent and restrain any person from vio-  
6 lating, any rule or regulation issued under this Act.

7           “(c) REFERRAL TO ATTORNEY GENERAL.—A civil  
8 action authorized to be commenced under this section shall  
9 be referred to the Attorney General for appropriate action,  
10 except that the Secretary shall not be required to refer  
11 to the Attorney General a violation of this Act, if the Sec-  
12 retary believes that the administration and enforcement  
13 of this Act would be adequately served by providing a suit-  
14 able written notice or warning to the person who commit-  
15 ted such violation or administrative action.

16           “(d) CIVIL PENALTIES AND ORDERS.—

17           “(1) CIVIL PENALTIES.—Any person who will-  
18 fully violates any provision of this Act or any of the  
19 regulations issued by the Secretary under this Act  
20 may be assessed a civil penalty by the Secretary of  
21 not less than \$500 or more than \$5,000 for each  
22 such violation. Each violation shall be a separate of-  
23 fense.

24           “(2) CEASE AND DESIST ORDERS.—In addition  
25 to, or in lieu of, a civil penalty under paragraph (1),

1 the Secretary may issue an order requiring a person  
2 to cease and desist from continuing any such viola-  
3 tion.

4 “(3) NOTICE AND HEARING.—No penalty shall  
5 be assessed or cease-and-desist order issued by the  
6 Secretary under this subsection unless the person  
7 against whom the penalty is assessed or the order is  
8 issued is given notice and opportunity for a hearing  
9 before the Secretary with respect to such violation.

10 “(4) FINALITY.—The order of the Secretary as-  
11 sessing a penalty or imposing a cease-and-desist  
12 order under this subsection shall be final and conclu-  
13 sive unless the affected person files an appeal of the  
14 Secretary’s order with the appropriate district court  
15 of the United States, in accordance with subsection  
16 (e).

17 “(e) REVIEW BY DISTRICT COURT.—

18 “(1) COMMENCEMENT OF ACTION.—Any person  
19 who has been determined to be in violation of this  
20 Act, or against whom a civil penalty has been as-  
21 sessed or a cease-and-desist order issued under sub-  
22 section (d), may obtain review of the penalty or  
23 order—

1           “(A) by filing, within the 30-day period be-  
2           ginning on the date the penalty is assessed or  
3           order issued, a notice of appeal in—

4                   “(i) the district court of the United  
5                   States for the district in which the person  
6                   resides or conducts business; or

7                   “(ii) the United States District Court  
8                   for the District of Columbia; and

9           “(B) by sending, within the same period, a  
10           copy of such notice by certified mail to the Sec-  
11           retary.

12           “(2) RECORD.—The Secretary shall file  
13           promptly in the appropriate court referred to in  
14           paragraph (1), a certified copy of the record on  
15           which the Secretary has determined that the person  
16           had committed a violation.

17           “(3) STANDARD OF REVIEW.—A finding of the  
18           Secretary under this section shall be set aside only  
19           if such finding is found to be unsupported by sub-  
20           stantial evidence.

21           “(f) FAILURE TO OBEY ORDERS.—Any person who  
22           fails to obey a cease-and-desist order under this section  
23           after such order has become final and unappealable, or  
24           after the appropriate United States district court has en-  
25           tered a final judgment in favor of the Secretary, shall be

1 subject to a civil penalty assessed by the Secretary, after  
2 opportunity for hearing and for a judicial review under  
3 the procedures specified in subsection (e), of not more  
4 than \$500 for each offense. Each day during which such  
5 failure continues shall be considered as a separate viola-  
6 tion of such order.

7 “(g) FAILURE TO PAY PENALTIES.—If any person  
8 fails to pay an assessment of a civil penalty under this  
9 section after it has become a final and unappealable order,  
10 or after the appropriate United States district court has  
11 entered final judgment in favor of the Secretary, the Sec-  
12 retary shall refer the matter to the Attorney General for  
13 recovery of the amount assessed in the district court of  
14 the United States for the district in which the person re-  
15 sides or conducts business. In such action, the validity and  
16 appropriateness of the final order imposing the civil pen-  
17 alty shall not be subject to review.

18 “(h) ADDITIONAL REMEDIES.—The remedies pro-  
19 vided in this section shall be in addition to, and not exclu-  
20 sive of, other remedies that may be available.”.

21 **SEC. 10. TRANSFERS OF QUOTA OR ALLOTMENT ACROSS**  
22 **COUNTY LINES IN A STATE.**

23 (a) TRANSFERS ALLOWED BY REFERENDUM.—

24 (1) FLUE-CURED TOBACCO.—Section 316(g) of  
25 the Agricultural Adjustment Act of 1938 (7 U.S.C.

1       1314b(g)) is amended by adding at the end the fol-  
2       lowing:

3       “(3) Notwithstanding paragraph (1), the Secretary  
4 may permit the sale of a Flue-cured tobacco allotment or  
5 quota from one farm in a State to any other farm in the  
6 State if a majority of active Flue-cured tobacco producers  
7 within the State approve of such sales by a state-wide ref-  
8 erendum to be conducted by the Secretary.”.

9           (2) OTHER TOBACCO.—Section 318(b) of such  
10       Act (7 U.S.C. 1314d(b)) is amended in the proviso  
11       by inserting after “same State” the following: “and,  
12       in the case of other kinds of tobacco, any such  
13       transfer may be made to a farm in another county  
14       in the same State if transfers of such type are ap-  
15       proved by a majority of the active producers of that  
16       kind of tobacco in the State who vote in a referen-  
17       dum held on the subject”.

18           (3) BURLEY TOBACCO.—Section 319(l) of such  
19       Act (7 U.S.C. 1314e(l)) is amended by striking the  
20       last sentence.

21           (b) SAME GROWER IN CONTIGUOUS COUNTIES.—  
22       Section 379(b) of such Act (7 U.S.C. 1379(b)) is amended  
23       by striking “Burley tobacco poundage quota” and insert-  
24       ing “tobacco quota or allotment”.

1 **SEC. 11. CALCULATION OF NATIONAL MARKETING QUOTA.**

2 (a) FLUE-CURED TOBACCO.—Section  
3 317(a)(1)(B)(ii) of the Agricultural Adjustment Act of  
4 1938 (7 U.S.C. 1314c(a)(1)(B)(ii)) is amended by insert-  
5 ing before the semicolon the following: “, but excluding  
6 any exports of unmanufactured tobacco counted under  
7 clause (i)”.

8 (b) BURLEY TOBACCO.—Section 319(c)(3)(A)(ii) of  
9 such Act (7 U.S.C. 1314e(l)) is amended by inserting be-  
10 fore the semicolon the following: “, but excluding any ex-  
11 ports of unmanufactured tobacco counted under clause  
12 (i)”.

13 (c) APPLICATION OF AMENDMENTS.—The amend-  
14 ments made by this section shall apply with respect to the  
15 1996 and subsequent crops of Flue-cured and Burley to-  
16 bacco.

17 **SEC. 12. CLARIFICATION OF AUTHORITY TO ACCESS CIVIL**  
18 **MONEY PENALTIES.**

19 Section 314 of the Agricultural Adjustment Act of  
20 1938 (7 U.S.C. 1314) is amended—

21 (1) by redesignating subsection (c) as sub-  
22 section (d); and

23 (2) by inserting after subsection (b) the follow-  
24 ing new subsection:

25 “(c) The failure by a person to comply with regula-  
26 tions issued by the Secretary governing the marketing,

1 disposition, or handling of tobacco under this part shall  
2 subject the person to a penalty at the rate provided in  
3 subsection (a).”.

4 **SEC. 13. LEASE AND TRANSFER OF FARM MARKETING**  
5 **QUOTAS FOR BURLEY TOBACCO.**

6 Section 319(g) of the Agricultural Adjustment Act of  
7 1938 (7 U.S.C. 1314e(g)) is amended—

8 (1) in paragraph (1), by striking “July 1” each  
9 place it appears and inserting “September 1”; and

10 (2) in paragraph (3)—

11 (A) by striking “within the three imme-  
12 diately preceding crop years” in the first sen-  
13 tence and inserting “during the current crop  
14 year or either of the two immediately preceding  
15 crop years”; and

16 (B) by striking “July 1” in the second sen-  
17 tence and inserting “September 1”.

18 **SEC. 14. LIMITATION ON TRANSFER OF ACREAGE ALLOT-**  
19 **MENTS OF OTHER TOBACCO.**

20 Section 318(g) of the Agricultural Adjustment Act of  
21 1938 (7 U.S.C. 1314d(g)) is amended by striking “ten  
22 acres” and inserting “20 acres”.

1 **SEC. 15. GOOD FAITH RELIANCE ON ACTIONS OR ADVICE**  
2 **OF DEPARTMENT REPRESENTATIVES.**

3 The Agricultural Adjustment Act of 1938 is amended  
4 by inserting after section 314A (7 U.S.C. 1314–1) the fol-  
5 lowing new section:

6 **“SEC. 315. GOOD FAITH RELIANCE ON ACTIONS OR ADVICE**  
7 **OF DEPARTMENT REPRESENTATIVES.**

8 “Notwithstanding any other provision of law, the per-  
9 formance rendered in good faith by a person in good faith  
10 in reliance upon action or advice of an authorized rep-  
11 resentative of the Secretary may be accepted as meeting  
12 the requirements of this part.”.

13 **SEC. 16. UNIFORM FORFEITURE DATES FOR FLUE-CURED**  
14 **AND BURLEY TOBACCO.**

15 (a) SALE OR FORFEITURE OF FLUE-CURED TO-  
16 BACCO ALLOTMENT OR QUOTA.—The first subsection (h)  
17 of section 316 of the Agricultural Adjustment Act of 1938  
18 (7 U.S.C. 1314b) is amended—

19 (1) in paragraph (1), by striking “before the  
20 expiration of the eighteen month period beginning on  
21 July 1 of the year in which such crop is planted”  
22 and inserting “before February 15 of the year after  
23 the end of the marketing year for the planted crop”;  
24 and

25 (2) in paragraph (2), by striking “July 1” and  
26 inserting “February 15”.

1 (b) MANDATORY SALE OF FLUE-CURED TOBACCO  
2 ALLOTMENT OR QUOTA.—Section 316A of such Act (7  
3 U.S.C. 1314b-1) is amended—

4 (1) in subsection (a), by striking “December 1  
5 of the year” and inserting “February 15 of the  
6 year”; and

7 (2) in subsection (b), by striking “July 1” and  
8 inserting “February 15”.

9 (c) MANDATORY SALE OF BURLEY TOBACCO ALLOT-  
10 MENT OR QUOTA.—Section 316B of such Act (7 U.S.C.  
11 1314b-2) is amended—

12 (1) in subsection (a), by striking “December 1  
13 of the year” and inserting “February 15 of the  
14 year”; and

15 (2) in subsection (c)(1), by striking “before the  
16 expiration of the eighteen month period beginning on  
17 July 1 of the year in which such crop is planted”  
18 and inserting “before February 15 of the year after  
19 the end of the marketing year for the planted crop”.

20 **SEC. 17. SALE OF BURLEY AND FLUE-CURED TOBACCO**  
21 **MARKETING QUOTAS FOR A FARM BY RE-**  
22 **CENT PURCHASERS.**

23 The Agricultural Adjustment Act of 1938 is amended  
24 by inserting after section 316B (7 U.S.C. 1314b-2) the  
25 following new section:

1 **“SEC. 316C. AUTHORITY FOR RECENT PURCHASER OF A**  
2 **FARM TO SELL BURLEY TOBACCO OR FLUE-**  
3 **CURED TOBACCO MARKETING QUOTAS FOR**  
4 **THE FARM.**

5 “A new owner of a farm that has purchase history  
6 of Burley tobacco or Flue-cured tobacco may sell the pur-  
7 chased tobacco quota notwithstanding any limitations on  
8 such a sale contained in this part if the sale is completed  
9 not later than one year after the purchase date of the  
10 farm.”.

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