

subdivisions thereof, farmers' associations, and similar organizations and individuals, is authorized to carry out operations or measures in the United States to eradicate, suppress, control, and to prevent or retard the spread of undesirable species and subspecies of honeybees.

(b) Cooperation with certain foreign governments; measure and character; consultation with Secretary of State

The Secretary of Agriculture is authorized to cooperate with the Governments of Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and Colombia, or the local authorities thereof, in carrying out necessary research, surveys, and control operations in those countries in connection with the eradication, suppression, control, and prevention or retardation of the spread of undesirable species and subspecies of honeybees, including but not limited to *Apis mellifera adansonii*, commonly known as the African or Brazilian honeybee. The measure and character of cooperation carried out under this subsection on the part of such countries, including the expenditure or use of funds appropriated pursuant to this chapter, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by this subsection shall be made through and in consultation with the Secretary of State.

(c) Responsibility for authority to carry out operations

In performing the operations or measures authorized in this chapter, the cooperating foreign country, State, or local agency shall be responsible for the authority to carry out such operations or measures on all lands and properties within the foreign country or State, other than those owned or controlled by the Federal Government of the United States, and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

(Aug. 31, 1922, ch. 301, § 3, as added Pub. L. 94-319, § 3, June 25, 1976, 90 Stat. 709.)

Statutory Notes and Related Subsidiaries

INDEMNIFICATION FOR BEEKEEPERS

Pub. L. 91-524, title VIII, § 804, Nov. 30, 1970, 84 Stat. 1382, as amended by Pub. L. 93-86, § 1(27)(A), Aug. 10, 1973, 87 Stat. 237; Pub. L. 95-113, title II, § 207, Sept. 29, 1977, 91 Stat. 921, authorized the Secretary of Agriculture to make indemnity payments, based on net loss, to beekeepers who through no fault of their own lost honey bees after Jan. 1, 1967, as a result of utilization of economic poisons, registered and approved for use by the Federal Government, near or adjacent to the beehives, with this section expired after Sept. 30, 1981.

§ 285. Uses of funds

Funds appropriated to carry out the provisions of this chapter may also be used for printing and binding without regard to section 501 of title 44 for employment, by contract or otherwise, of civilian nationals of Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and Colombia for services abroad, and for the construction and operation of research laboratories, quarantine stations, and other buildings and facilities.

(Aug. 31, 1922, ch. 301, § 4, as added Pub. L. 94-319, § 3, June 25, 1976, 90 Stat. 710.)

§ 286. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Aug. 31, 1922, ch. 301, § 5, as added Pub. L. 94-319, § 3, June 25, 1976, 90 Stat. 710.)

CHAPTER 12—ASSOCIATIONS OF AGRICULTURAL PRODUCTS PRODUCERS

Sec.	
291.	Authorization of associations; powers.
292.	Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure.

§ 291. Authorization of associations; powers

Persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

(Feb. 18, 1922, ch. 57, § 1, 42 Stat. 388.)

§ 292. Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure

If the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing

shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceedings for such association, and such service shall be binding upon such association, the officers, and members thereof.

(Feb. 18, 1922, ch. 57, § 2, 42 Stat. 388.)

Statutory Notes and Related Subsidiaries

RESTRICTION ON USE OF FUNDS RESPECTING STUDY, INVESTIGATION, OR PROSECUTION OF ANY AGRICULTURAL COOPERATIVE OR STUDY OR INVESTIGATION OF ANY AGRICULTURAL MARKETING ORDERS

For provisions restricting the use of funds authorized to be appropriated to carry out section 41 et seq. of Title 15, Commerce and Trade, for fiscal year 1980, 1981, or 1982, for the purpose of conducting any study, investigation, or prosecution of any provisions of this chapter, see section 20 of Pub. L. 96-252, set out as a note under section 57c of Title 15.

CHAPTER 13—AGRICULTURAL AND MECHANICAL COLLEGES

SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

Sec.
301. Land grant aid of colleges.

Sec.
302. Method of apportionment and selection; issuance of land scrip.
303. Management expenses paid by State.
304. Investment of proceeds of sale of land or scrip.
305. Conditions of grant.
306. Repealed.
307. Fees for locating land scrip.
308. Reports by State governors of sale of scrip.
309. Land grants in the State of North Dakota.

SUBCHAPTER II—COLLEGE-AID ANNUAL APPROPRIATION

321. Secretary of Agriculture to administer annual college-aid appropriation.
322. Annual appropriation.
323. Racial discrimination by colleges restricted.
324. Time, manner, etc., of annual payments.
325. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges.
326. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress.
326a. Annual appropriations for Puerto Rico, Virgin Islands, American Samoa, Guam, Northern Mariana Islands, Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau.
327. Repealed.
328. Power to amend, repeal, etc., reserved.
329. Additional appropriation for agricultural colleges.

SUBCHAPTER III—RETIREMENT OF EMPLOYEES

331. Retirement of land-grant college employees.

SUBCHAPTER IV—AGRICULTURAL EXTENSION WORK APPROPRIATION

341. Cooperative extension work by colleges.
342. Cooperative agricultural extension work; cooperation with Secretary of Agriculture.
343. Appropriations; distribution; allotment and apportionment; Secretary of Agriculture; matching funds; cooperative extension activities.
343a to 343g. Repealed or Transferred.
344. Ascertainment of entitlement of State to funds; time and manner of payment; State reporting requirements; plans of work.
345. Replacement of diminished, lost or misapplied funds; restrictions on use; reports of colleges.
346, 347. Repealed.
347a. Disadvantaged agricultural areas.
348. Rules and regulations.
349. "State" defined.

SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

§ 301. Land grant aid of colleges

There is granted to the several States, for the purposes hereinafter mentioned in this subchapter, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: *Provided*, That no mineral lands shall be selected or purchased under the provisions of said sections.

(July 2, 1862, ch. 130, § 1, 12 Stat. 503.)

Editorial Notes

CODIFICATION

Act July 2, 1862, with the exception of section 7, was not incorporated into the Revised Statutes, probably