

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.)

CROSS REFERENCES

Agricultural Fair Practices Act of 1967, association of producers as meaning associations referred to in this section, see section 2302 of this title.

“Cooperative association of producers” defined, see section 2 of this title.

Cooperative marketing, see sections 451 to 457 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 457, 608c, 2302, 5623 of this title; title 15 section 57b-5.

§ 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 con-

sidering 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.)

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.

FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules of Civil Procedure, see Rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

Preliminary and permanent injunctions, see Rule 65.

CROSS REFERENCES

“Cooperative association of producers” defined, see section 2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 457, 608c of this title; title 15 section 57b-5.

CHAPTER 13—AGRICULTURAL AND MECHANICAL COLLEGES

SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

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| Sec. | |
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| 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. |
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SUBCHAPTER II—COLLEGE-AID ANNUAL APPROPRIATION

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| 322. | Annual appropriation. |
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- Sec. 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.
 - (a) Ascertainment of entitlement.
 - (b) Time and manner of payment; related reports.
 - (c) Requirements related to plan of work.
 - (d) Extension protocols.
 - (e) Treatment of plans of work for other purposes.
- 345. Replacement of diminished, lost or misapplied funds; restrictions on use; reports of colleges.
- 346, 347. Repealed.
- 347a. Disadvantaged agricultural areas.
 - (a) Congressional findings.
 - (b) Appropriation.
 - (c) Assistance.
 - (d) Allocation of funds.
 - (e) Appropriation as additional; limitation on amount.
- 348. Rules and regulations.
- 349. "State" defined.

SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 322, 323, 329, 331, 341, 343, 361a, 361c, 1926, 2204c, 2662, 2663, 2664, 3103, 3123, 3124a, 3703, 7601 of this title; title 16 sections 551c, 582a-1, 1672; title 20 section 1060; title 22 section 2220a; title 42 sections 1788, 10303.

§ 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.)

CODIFICATION

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

because the grants made thereby were regarded as executed, and the provisions incidental thereto as temporary. By act Mar. 3, 1883, ch. 102, 22 Stat. 484, however, section 4 of the original act was amended to read as set out under section 304 of this title.

SHORT TITLE

Act July 2, 1862, as amended, which is classified to this subchapter, is popularly known as the "Morrill Act" and also as the "First Morrill Act".

EQUITY IN EDUCATIONAL LAND GRANT STATUS

Pub. L. 103-382, title V, part C, Oct. 20, 1994, 108 Stat. 4048, as amended by Pub. L. 104-127, title VIII, § 882, Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title II, § 251, title III, § 301(g), June 23, 1998, 112 Stat. 557, 563; Pub. L. 105-332, § 3(d), Oct. 31, 1998, 112 Stat. 3126, provided that:

"SEC. 531. SHORT TITLE.

"This part may be cited as the 'Equity in Educational Land-Grant Status Act of 1994'.

"SEC. 532. DEFINITION.

"As used in this part, the term '1994 Institutions' means any one of the following colleges:

- "(1) Bay Mills Community College.
- "(2) Blackfeet Community College.
- "(3) Cheyenne River Community College.
- "(4) D-Q University.
- "(5) Dullknife Memorial College.
- "(6) Fond Du Lac Community College.
- "(7) Fort Belknap Community College.
- "(8) Fort Berthold Community College.
- "(9) Fort Peck Community College.
- "(10) LacCourte Orielles Ojibwa Community College.
- "(11) Little Big Horn Community College.
- "(12) Little Hoop Community College.
- "(13) Nebraska Indian Community College.
- "(14) Northwest Indian College.
- "(15) Oglala Lakota College.
- "(16) Salish Kootenai College.
- "(17) Sinte Gleska University.
- "(18) Sisseton Wahpeton Community College.
- "(19) Standing Rock College.
- "(20) Stonechild Community College.
- "(21) Turtle Mountain Community College.
- "(22) Navajo Community College.
- "(23) United Tribes Technical College.
- "(24) Southwest Indian Polytechnic Institute.
- "(25) Institute of American Indian and Alaska Native Culture and Arts Development.
- "(26) Crownpoint Institute of Technology.
- "(27) Haskell Indian Junior College.
- "(28) Leech Lake Tribal College.
- "(29) College of the Menominee Nation.
- "(30) Little Priest Tribal College.

"SEC. 533. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

"(a) IN GENERAL.—

"(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

"(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

- "(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);
- "(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act [7 U.S.C. 343(b)(3)] (as added by section 534(b)(1) of this part); or
- "(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act).