

to be appropriated \$1,500,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978.

(Pub. L. 94-463, §7, Oct. 8, 1976, 90 Stat. 1983; Pub. L. 105-362, title I, §101(d)(2), Nov. 10, 1998, 112 Stat. 3281.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-362 substituted “section 3003” for “the provisions of sections 3003 and 3005”.

### § 3007. Seniors farmers’ market nutrition program

#### (a) Funding

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers’ market nutrition program \$20,600,000 for each of fiscal years 2008 through 2012.

#### (b) Program purposes

The purposes of the seniors farmers’ market nutrition program are—

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers’ markets, roadside stands, and community supported agriculture programs to low-income seniors;

(2) to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers’ markets, roadside stands, and community supported agriculture programs; and

(3) to develop or aid in the development of new and additional farmers’ markets, roadside stands, and community supported agriculture programs.

#### (c) Exclusion of benefits in determining eligibility for other programs

The value of any benefit provided to any eligible seniors farmers’ market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.

#### (d) Prohibition on collection of sales tax

Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers’ market nutrition program.

#### (e) Regulations

The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers’ market nutrition program.

(Pub. L. 107-171, title IV, §4402, May 13, 2002, 116 Stat. 334; Pub. L. 110-234, title IV, §§4231, 4406(c)(1), May 22, 2008, 122 Stat. 1124, 1142; Pub. L. 110-246, §4(a), title IV, §§4231, 4406(c)(1), June 18, 2008, 122 Stat. 1664, 1886, 1903.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food Stamp Reauthorization Act of 2002 and also as part of the Farm Security and Rural Investment Act of 2002, and not as

part of the Farmer-to-Consumer Direct Marketing Act of 1976 which comprises this chapter.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §4406(c)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary of Agriculture shall use \$5,000,000 for fiscal year 2002, and \$15,000,000 for each of fiscal years 2003 through 2007, of the funds available to the Commodity Credit Corporation to carry out and expand a seniors farmers’ market nutrition program.”

Subsec. (b)(1). Pub. L. 110-246, §4231(1), inserted “honey,” after “vegetables.”

Subsec. (c). Pub. L. 110-246, §4231(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers’ market nutrition program.”

Subsecs. (d), (e). Pub. L. 110-246, §4231(3), added subsecs. (d) and (e).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by sections 4231 and 4406(c)(1) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### EFFECTIVE DATE

Section effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107-171, set out as a note under section 1161 of Title 2, The Congress.

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SUBCHAPTER I—FINDINGS, PURPOSES, AND DEFINITIONS

**§ 3101. Purposes of agricultural research, extension, and education**

The purposes of federally supported agricultural research, extension, and education are to—

- (1) enhance the competitiveness of the United States agriculture and food industry in an increasingly competitive world environment;
- (2) increase the long-term productivity of the United States agriculture and food industry while maintaining and enhancing the natural resource base on which rural America and the United States agricultural economy depend;
- (3) develop new uses and new products for agricultural commodities, such as alternative fuels, and develop new crops;
- (4) support agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry;
- (5) improve risk management in the United States agriculture industry;
- (6) improve the safe production and processing of, and adding of value to, United States food and fiber resources using methods that maintain the balance between yield and environmental soundness;
- (7) support higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture; and
- (8) maintain an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.

(Pub. L. 95-113, title XIV, § 1402, as added Pub. L. 101-624, title XVI, § 1602(a), Nov. 28, 1990, 104 Stat. 3705; amended Pub. L. 104-127, title VIII, § 801, Apr. 4, 1996, 110 Stat. 1156.)

PRIOR PROVISIONS

A prior section 3101, Pub. L. 95-113, title XIV, § 1402, Sept. 29, 1977, 91 Stat. 981; Pub. L. 97-98, title XIV, § 1402, Dec. 22, 1981, 95 Stat. 1294; Pub. L. 99-198, title XIV, § 1402, Dec. 23, 1985, 99 Stat. 1542, stated Congressional findings, prior to repeal by Pub. L. 101-624, title XVI, § 1601(f)(1)(A), Nov. 28, 1990, 104 Stat. 3704.

AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions which set out six purposes of federally funded agricultural research and extension programs.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-465, § 1, Dec. 21, 2004, 118 Stat. 3882, provided that: “This Act [enacting sections 3123a, 7712a,

and 8321 of this title, amending section 5925 of this title, and enacting provisions set out as notes under sections 1621 and 5925 of this title] may be cited as the ‘Specialty Crops Competitiveness Act of 2004.’”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-161, § 1, Dec. 6, 2003, 117 Stat. 2014, provided that: “This Act [enacting section 3151a of this title] may be cited as the ‘National Veterinary Medical Service Act.’”

SHORT TITLE OF 1985 AMENDMENT

Section 1401 of title XIV of Pub. L. 99-198 provided that: “This title [enacting sections 1632, 3224, 3292, 3319a to 3319d, and 4701 to 4710 of this title, amending this section and sections 178c, 342, 343, 390 to 390d, 390f, 390h, 390i, 390j, 450i, 2266, 2662, 2663, 3103, 3121 to 3123, 3124a, 3125, 3151, 3152, 3194 to 3196, 3221 to 3223, 3291, 3311, 3312, 3318, 3319, 3322, 3324, 3335, and 3336 of this title, repealing sections 390e, 390g, 3174, 3177, 3301 to 3304, and 3323 of this title, enacting provisions set out as notes under sections 343, 390, 390c, 450i, 3173, 3292, 3311, 3312, and 4701 of this title, amending provisions set out as a note under section 3222 of this title, and repealing provisions set out as a note under section 2281 of this title] may be cited as the ‘National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985.’”

SHORT TITLE OF 1981 AMENDMENT

Section 1401 of title XIV of Pub. L. 97-98 provided that: “This title [enacting sections 2271, 2661 to 2667, 3124a, 3223, 3317 to 3319, 3321 to 3324, and 3331 to 3336 of this title, amending this section and sections 322, 361c, 390c, 450i, 3102, 3103, 3121 to 3124, 3125 to 3128, 3151 to 3154, 3175, 3177, 3191, 3192, 3194 to 3196, 3221, 3222, 3263, 3282, 3291, 3311, and 3312 of this title, section 5315 of Title 5, Government Organization and Employees, sections 582a, 582a-1, and 582a-3 to 582a-5 of Title 16, Conservation, section 483 of former Title 40, Public Buildings, Property, and Works, and sections 6651 and 8852 of Title 42, The Public Health and Welfare, repealing sections 2670 and 3176 of this title, omitting section 2668 of this title, and enacting provisions set out as notes under sections 2281 and 3176 of this title] may be cited as the ‘National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981.’”

SHORT TITLE

Section 1401 of title XIV of Pub. L. 95-113 provided that: “This title [enacting this chapter and sections 2669 and 2670 of this title, amending sections 341, 342, 343, 361c, 390 to 390j, 427, 450i, 1923, 1942, 2662, 2663, and 2667 of this title and section 6651 of Title 42, The Public Health and Welfare, and repealing section 390k of this title] may be cited as the ‘National Agricultural Research, Extension, and Teaching Policy Act of 1977.’”

REVIEW OF AGRICULTURAL RESEARCH SERVICE

Pub. L. 107-171, title VII, § 7404, May 13, 2002, 116 Stat. 457, as amended by Pub. L. 108-11, title II, § 2101(b), Apr. 16, 2003, 117 Stat. 589; Pub. L. 110-234, title VII, § 7511(c)(7), May 22, 2008, 122 Stat. 1267; Pub. L. 110-246, § 4(a), title VII, § 7511(c)(7), June 18, 2008, 122 Stat. 1664, 2029, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [May 13, 2002], the Secretary [of Agriculture] shall establish a task force to—

“(1) conduct a review of the Agricultural Research Service; and

“(2) evaluate the merits of establishing one or more National Institutes focused on disciplines important to the progress of food and agricultural science.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 8 members, appointed by the Secretary, that—

“(A) have a broad-based background in plant, animal, and agricultural sciences research, food, nutrition, biotechnology, crop production methods, environmental science, or related disciplines; and

“(B) are familiar with the role and infrastructure used to conduct Federal and private research, including—

- “(i) the Agricultural Research Service;
- “(ii) the National Institutes of Health;
- “(iii) the National Science Foundation;
- “(iv) the National Aeronautics and Space Administration;
- “(v) the Department of Energy laboratory system; or
- “(vi) the Cooperative State Research, Education, and Extension Service.

“(2) PRIVATE SECTOR.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 6 members that are members of the private sector or come from institutions of higher education.

“(3) PLANT AND AGRICULTURAL SCIENCES RESEARCH.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 3 members that have an extensive background and preeminence in the field of plant, animal, and agricultural sciences research.

“(4) CHAIRPERSON.—Of the members appointed under paragraph (1), the Secretary shall designate a Chairperson that has significant leadership experience in educational and research institutions and in-depth knowledge of the research enterprises of the United States.

“(5) CONSULTATION.—Before appointing members of the Task Force under this subsection, the Secretary shall consult with the National Academy of Sciences and the Office of Science and Technology Policy.

“(c) DUTIES.—The Task Force shall—

“(1) conduct a review of the purpose, efficiency, effectiveness, and impact on agricultural research of the Agricultural Research Service;

“(2) conduct a review and evaluation of the merits of establishing one or more National Institutes (such as National Institutes for Plant and Agricultural Sciences) focused on disciplines important to the progress of food and agricultural sciences, and, if establishment of one or more National Institutes is recommended, provide further recommendations to the Secretary, including the structure for establishing each Institute, the multistate area location of each Institute, and the amount of funding necessary to establish each Institute; and

“(3) submit the reports required by subsection (d).

“(d) REPORTS.—Not later than 12 months after the date of enactment of this Act [May 13, 2002], the Task Force shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary—

“(1) a report on the review and evaluation required under subsection (c)(1); and

“(2) a report on the review and evaluation required under subsection (c)(2).

“(e) FUNDING.—The Secretary shall use to carry out this section not more than \$499,000 of the amount of appropriations available to the Department of Agriculture for fiscal year 2003.”

[Pub. L. 110-234, title VII, § 7511(c)(7), May 22, 2008, 122 Stat. 1267, and Pub. L. 110-246, § 4(a), title VII, § 7511(c), June 18, 2008, 122 Stat. 1664, 2028, 2029, provided that, effective Oct. 1, 2009, section 7404(b)(1)(B) of Pub. L. 107-171, set out above, is amended by striking clause (vi) and inserting the following:

[“(vi) the National Institute of Food and Agriculture.”]

### § 3102. Additional purposes of agricultural research and extension

The purposes of this chapter are to—

(1) establish firmly the Department of Agriculture as the lead agency in the Federal Government for the food and agricultural sciences, and to emphasize that agricultural research, extension, and teaching are distinct missions of the Department of Agriculture;

(2) undertake the special measures set forth in this chapter to improve the coordination and planning of agricultural research, extension, and teaching programs, identify needs and establish priorities for these programs, assure that national agricultural research, extension, and teaching objectives are fully achieved, and assure that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit therefrom;

(3) increase cooperation and coordination in the performance of agricultural research by Federal departments and agencies, the States, State agricultural experiment stations, colleges and universities, and user groups;

(4) enable the Federal Government, the States, colleges and universities, and others to implement needed agricultural research, extension, and teaching programs, through the establishment of new programs and the improvement of existing programs, as provided for in this chapter;

(5) establish a new program of grants for high-priority agricultural research to be awarded on the basis of competition among research workers and all colleges and universities;

(6) establish a new program of grants for facilities and instrumentation used in agricultural research; and

(7) establish a new program of education grants and fellowships to strengthen research, extension, and teaching programs in the food and agricultural sciences, to be awarded on the basis of competition.

(Pub. L. 95-113, title XIV, § 1403, Sept. 29, 1977, 91 Stat. 983; Pub. L. 97-98, title XIV, § 1403, Dec. 22, 1981, 95 Stat. 1296; Pub. L. 101-624, title XVI, § 1602(b), Nov. 28, 1990, 104 Stat. 3705.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original this “title”, meaning title XIV of Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 981, as amended, which enacted this chapter and sections 2669 and 2670 of this title, amended sections 341, 342, 343, 361c, 390 to 390j, 427, 450i, 1923, 1942, 2662, 2663, and 2667 of this title and section 6651 of Title 42, The Public Health and Welfare, and repealed section 390k of this title. For complete classification of such title to the Code, see Short Title note set out under section 3101 of this title and Tables.

#### AMENDMENTS

1990—Pub. L. 101-624 amended section catchline generally.

1981—Par. (2). Pub. L. 97-98, § 1403(1), inserted “extension, and teaching programs,” and substituted “these programs” for “such research, assure that high priority research is given adequate funding”.

Par. (4). Pub. L. 97-98, § 1403(2), substituted “programs through” for “programs, including the initiatives specified in section 3101(8) of this title, through”.

Par. (5). Pub. L. 97-98, § 1403(3), substituted “among research workers” for “among scientific research workers”.

Par. (7). Pub. L. 97-98, § 1403(4), substituted “research, extension, and teaching” for “training and research”.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

## § 3103. Definitions

When used in this chapter:

(1) The term "Advisory Board" means the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(2) The term "agricultural research" means research in the food and agricultural sciences.

(3) The term "aquaculture" means the propagation and rearing of aquacultural species, including, but not limited to, any species of finfish, mollusk, or crustacean (or other aquatic invertebrate), amphibian, reptile, ornamental fish, or aquatic plant, in controlled or selected environments.

(4) COLLEGE AND UNIVERSITY.—

(A) IN GENERAL.—The terms "college" and "university" mean an educational institution in any State which (i) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (ii) is legally authorized within such State to provide a program of education beyond secondary education, (iii) provides an educational program for which a bachelor's degree or any other higher degree is awarded, (iv) is a public or other nonprofit institution, and (v) is accredited by a nationally recognized accrediting agency or association.

(B) INCLUSIONS.—The terms "college" and "university" include a research foundation maintained by a college or university described in subparagraph (A).

(5) The term "cooperating forestry schools" means those institutions eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962.

(6) The term "cooperative extension services" means the organizations established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349), and section 209(b) of the Act of October 26, 1974 (88 Stat. 1428, as amended; D.C. Code, sec. 31-1719(b)).

(7) The term "Department of Agriculture" means the United States Department of Agriculture.

(8) The term "extension" means the informal education programs conducted in the States in cooperation with the Department of Agriculture.

(9) FOOD AND AGRICULTURAL SCIENCES.—The term "food and agricultural sciences" means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable energy and natural resources, forestry, and physical and social sciences, including activities relating to the following:

(A) Animal health, production, and well-being.

(B) Plant health and production.

(C) Animal and plant germ plasm collection and preservation.

(D) Aquaculture.

(E) Food safety.

(F) Soil, water, and related resource conservation and improvement.

(G) Forestry, horticulture, and range management.

(H) Nutritional sciences and promotion.

(I) Farm enhancement, including financial management, input efficiency, and profitability.

(J) Home economics.

(K) Rural human ecology.

(L) Youth development and agricultural education, including 4-H clubs.

(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis.

(N) Information management and technology transfer related to agriculture.

(O) Biotechnology related to agriculture.

(P) The processing, distributing, marketing, and utilization of food and agricultural products.

(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

(A) IN GENERAL.—The term "Hispanic-serving agricultural colleges and universities" means colleges or universities that—

(i) qualify as Hispanic-serving institutions; and

(ii) offer associate, bachelors, or other accredited degree programs in agriculture-related fields.

(B) EXCEPTION.—The term "Hispanic-serving agricultural colleges and universities" does not include 1862 institutions (as defined in section 7601 of this title).

(11) HISPANIC-SERVING INSTITUTION.—The term "Hispanic-serving institution" has the meaning given the term in section 1101a of title 20.

(12) INSULAR AREA.—The term "insular area" means—

(A) the Commonwealth of Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands;

(G) the Republic of Palau; and

(H) the Virgin Islands of the United States.

(13) The term "land-grant colleges and universities" means those institutions eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307 and 308), or the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee University.

(14) NLGCA INSTITUTION; NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

(A) IN GENERAL.—The terms "NLGCA Institution" and "non-land-grant college of agriculture" mean a public college or university offering a baccalaureate or higher degree in the study of agriculture or forestry.

(B) EXCLUSIONS.—The terms “NLGCA Institution” and “non-land-grant college of agriculture” do not include—

(i) Hispanic-serving agricultural colleges and universities; or

(ii) any institution designated under—

(I) the Act of July 2, 1862 (commonly known as the “First Morrill Act”; 7 U.S.C. 301 et seq.);

(II) the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (7 U.S.C. 321 et seq.);

(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note); or

(IV) Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a et seq.).

(15) The term “Secretary” means the Secretary of Agriculture of the United States.

(16) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia; and

(C) any insular area.

(17) The term “State agricultural experiment stations” means those institutions eligible to receive funds under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i).

(18) The term “State cooperative institutions” or “State cooperative agents” means institutions or agents designated by—

(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act, including Tuskegee University;

(C) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

(D) the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act;

(E) the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

(F) subchapters V, VI, XI, and XII of this chapter.

(19) The term “sustainable agriculture” means an integrated system of plant and animal production practices having a site-specific application that will, over the long-term—

(A) satisfy human food and fiber needs;

(B) enhance environmental quality and the natural resource base upon which the agriculture economy depends;

(C) make the most efficient use of non-renewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;

(D) sustain the economic viability of farm operations; and

(E) enhance the quality of life for farmers and society as a whole.

(20) TEACHING AND EDUCATION.—The terms “teaching” and “education” mean formal classroom instruction, laboratory instruction,

and practicum experience in the food and agricultural sciences and matters relating thereto (such as faculty development, student recruitment and services, curriculum development, instructional materials and equipment, and innovative teaching methodologies) conducted by colleges and universities offering baccalaureate or higher degrees.

(Pub. L. 95-113, title XIV, § 1404, Sept. 29, 1977, 91 Stat. 983; Pub. L. 97-98, title XIV, § 1404, Dec. 22, 1981, 95 Stat. 1297; Pub. L. 99-198, title XIV, § 1403, Dec. 23, 1985, 99 Stat. 1544; Pub. L. 101-624, title XVI, § 1603, Nov. 28, 1990, 104 Stat. 3705; Pub. L. 102-237, title IV, § 402(3), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, §§ 802(b)(1), 815(b), 820(a), 853(b)(1), Apr. 4, 1996, 110 Stat. 1159, 1167, 1168, 1172; Pub. L. 105-185, title II, §§ 221, 226(c)(1), June 23, 1998, 112 Stat. 537, 543; Pub. L. 107-171, title VII, § 7502(a), May 13, 2002, 116 Stat. 463; Pub. L. 110-234, title VII, § 7101(a), May 22, 2008, 122 Stat. 1212; Pub. L. 110-246, § 4(a), title VII, § 7101(a), June 18, 2008, 122 Stat. 1664, 1973.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 3102 of this title.

Act of October 10, 1962, or Public Law 87-788, referred to in pars. (5), (14)(B)(ii)(IV), and (18)(E), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§ 582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

The Smith-Lever Act of May 8, 1914, referred to in pars. (6) and (18)(D), is act May 8, 1914, ch. 79, 38 Stat. 372, which is classified generally to subchapter IV (§ 341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

Act of July 2, 1862, 12 Stat. 503, referred to in pars. (13), (14)(B)(ii)(I), and (18)(A), is popularly known as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, 26 Stat. 417, referred to in pars. (13), (14)(B)(ii)(II), and (18)(B), is popularly known as the “Agricultural College Act of 1890” and also as the “Second Morrill Act”, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

The Equity in Educational Land-Grant Status Act of 1994, referred to in par. (14)(B)(ii)(III), is Pub. L. 103-382, title V, part C, Oct. 20, 1994, 108 Stat. 4048, which is set out as a note under section 301 of this title. For complete classification of this Act to the Code, see Tables.

Act of March 2, 1887, referred to in pars. (17) and (18)(C), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Par. (4). Pub. L. 110-246, § 7101(a)(1), inserted par. heading, designated existing provisions as subpar. (A),

inserted subpar. heading, redesignated former subpars. (A) to (E) as cls. (i) to (v), respectively, of subpar. (A), and added subpar. (B).

Pars. (5) to (8). Pub. L. 110-246, § 7101(a)(2), designated pars. (16) and (5) to (7) as (5) to (8), respectively. Former par. (8) redesignated (9).

Par. (9). Pub. L. 110-246, § 7101(a)(2), (3), redesignated par. (8) as (9), substituted “renewable energy and natural resources” for “renewable natural resources” in introductory provisions, added subpar. (F), and struck out former subpar. (F) which read as follows: “Soil and water conservation and improvement.” Former par. (9) redesignated (11).

Par. (10). Pub. L. 110-246, § 7101(a)(4), added par. (10). Former par. (10) redesignated (12).

Par. (11). Pub. L. 110-246, § 7101(a)(5), added par. (11) and struck out former par. (11) which read as follows: “The term ‘Hispanic-serving institution’ has the meaning given the term by section 1059c(b)(1) of title 20.”

Pub. L. 110-246, § 7101(a)(2), redesignated par. (9) as (11). Former par. (11) redesignated (13).

Pars. (12), (13). Pub. L. 110-246, § 7101(a)(2), redesignated pars. (10) and (11) as (12) and (13), respectively. Former pars. (12) and (13) redesignated (15) and (16), respectively.

Par. (14). Pub. L. 110-246, § 7101(a)(6), added par. (14). Former par. (14) redesignated (17).

Pars. (15) to (20). Pub. L. 110-246, § 7101(a)(2), redesignated pars. (12) to (14), (17), (18), and (15) as (15) to (20), respectively. Former par. (16) redesignated (5).

2002—Pars. (10) to (12). Pub. L. 107-171, § 7502(a)(1), (2), redesignated pars. (10) and (11) as (11) and (12), respectively, and added par. (10). Former par. (12) redesignated (13).

Par. (13). Pub. L. 107-171, § 7502(a)(3), added par. (13) and struck out former par. (13) which read as follows: “The term ‘State’ means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia.”

Pub. L. 107-171, § 7502(a)(1), redesignated par. (12) as (13). Former par. (13) redesignated (14).

Pars. (14) to (18). Pub. L. 107-171, § 7502(a)(1), redesignated pars. (13) to (17) as (14) to (18), respectively.

1998—Pub. L. 105-185, § 221(c)(1), substituted “chapter:” for “chapter—” in introductory provisions.

Pars. (1) to (3). Pub. L. 105-185, § 221(c)(2), (5), substituted “The term” for “the term” and period for semicolon at end.

Par. (4). Pub. L. 105-185, § 221(c)(3), (5), substituted “The terms” for “the terms” and period for semicolon at end.

Pars. (5) to (7). Pub. L. 105-185, § 221(c)(2), (5), substituted “The term” for “the term” and period for semicolon at end.

Par. (8). Pub. L. 105-185, § 221(a), added par. (8) and struck out former par. (8) which defined term “food and agricultural sciences” in broadest sense of terms, including but not limited to activities relating to agriculture, food processing, forestry, aquaculture, home economics, rural community welfare, youth development, market expansion, improvement of productivity, and international food and agricultural issues.

Par. (9). Pub. L. 105-185, § 221(c)(4), (5), substituted “The term” for “the term” after “(9)” and substituted period for semicolon at end.

Par. (10). Pub. L. 105-185, §§ 221(c)(2), (5), 226(c)(1), substituted “The term” for “the term”, “Tuskegee University” for “the Tuskegee Institute”, and period for semicolon at end.

Pars. (11) to (13). Pub. L. 105-185, § 221(c)(2), (5), substituted “The term” for “the term” and period for semicolon at end.

Par. (14). Pub. L. 105-185, § 221(b), (c)(5), inserted par. heading, substituted “The terms ‘teaching’ and ‘education’ mean” for “the term ‘teaching’ means”, and substituted period for semicolon at end.

Par. (15). Pub. L. 105-185, § 221(c)(2), (5), substituted “The term” for “the term” and period for semicolon at end.

Par. (16). Pub. L. 105-185, § 221(c)(2), substituted “The term” for “the term” in introductory provisions.

Par. (16)(B). Pub. L. 105-185, § 226(c)(1), substituted “Tuskegee University” for “the Tuskegee Institute”.

Par. (16)(F). Pub. L. 105-185, § 221(c)(6), substituted period for “; and” at end.

Par. (17). Pub. L. 105-185, § 221(c)(2), substituted “The term” for “the term”.

1996—Par. (1). Pub. L. 104-127, § 802(b)(1), substituted “National Agricultural Research, Extension, Education, and Economics Advisory Board” for “National Agricultural Research and Extension Users Advisory Board”.

Par. (3). Pub. L. 104-127, § 820(a), inserted “ornamental fish,” after “reptile.”

Par. (9). Pub. L. 104-127, § 815(b), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “the term ‘Joint Council’ means the Joint Council on Food and Agricultural Sciences;”.

Pars. (16) to (18). Pub. L. 104-127, § 853(b)(1), inserted “and” at end of par. (16), substituted a period for “; and” at end of par. (17), and struck out par. (18) which read as follows: “the term ‘Technology Board’ means the Agricultural Science and Technology Review Board established in section 3123a of this title.”

1991—Par. (18). Pub. L. 102-237 inserted “and” after “Science”.

1990—Par. (16)(F). Pub. L. 101-624, § 1603(2), inserted reference to subchapter VI of this chapter.

Pars. (17), (18). Pub. L. 101-624, § 1603(1), (3), added pars. (17) and (18).

1985—Par. (8)(J). Pub. L. 99-198 added subpar. (J).

1981—Par. (8). Pub. L. 97-98, § 1404(1), substituted in provision preceding subpar. (A) “basic, applied, and developmental research, extension, and teaching activities in the food, agricultural, renewable natural resources, forestry, and physical and social sciences, in the broadest sense of these terms, including but not limited to, activities relating to” for “sciences relating to food and agriculture in the broadest sense, including the social, economic, and political considerations of”, in subpar. (E) “including consumer affairs, food and nutrition, clothing and textiles, housing, and family well-being and financial management;” for “human nutrition, and family life; and”, and in subpar. (F) “community welfare and development” for “and community development”, and added subpars. (G) to (I).

Par. (12). Pub. L. 97-98, § 1404(2), struck out “except as provided in subchapter VII of this chapter,” before “the term” and included within term “State” American Samoa, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

Par. (14). Pub. L. 97-98, § 1404(4), struck out reference to laboratory training, inserted reference to practicum experience and matters relating to formal classroom instruction, laboratory instruction, and practicum experience, and substituted provision that the teaching be conducted at colleges or universities offering baccalaureate or higher degrees for provision that the teaching be conducted at colleges and universities leading to a baccalaureate and other recognized degrees.

Pars. (15), (16). Pub. L. 97-98, § 1404(5), added pars. (15) and (16).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CONSTRUCTION OF 2002 AMENDMENT

Pub. L. 107-171, title VII, §7502(b), May 13, 2002, 116 Stat. 463, provided that: "The amendments made by subsection (a) [amending this section] shall not affect any basis for distribution of funds by formula (in effect on the date of enactment of this Act [May 13, 2002]) to—  
 "(1) the Federated States of Micronesia;  
 "(2) the Republic of the Marshall Islands; or  
 "(3) the Republic of Palau."

SUBCHAPTER II—COORDINATION AND PLANNING OF AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

§ 3121. Responsibilities of Secretary and Department of Agriculture

The Department of Agriculture is designated as the lead agency of the Federal Government for agricultural research (except with respect to the biomedical aspects of human nutrition concerned with diagnosis or treatment of disease), extension, and teaching in the food and agricultural sciences, and the Secretary, in carrying out the Secretary's responsibilities, shall—

(1) establish jointly with the Secretary of Health and Human Services procedures for coordination with respect to nutrition research in areas of mutual interest;

(2) keep informed of developments in, and the Nation's need for, research, extension, teaching, and manpower development in the food and agricultural sciences and represent such need in deliberations within the Department of Agriculture, elsewhere within the executive branch of the United States Government, and with the several States and their designated land-grant colleges and universities, other colleges and universities, agricultural and related industries, and other interested institutions and groups;

(3) coordinate all agricultural research, extension, and teaching activity conducted or financed by the Department of Agriculture and, to the maximum extent practicable, by other agencies of the executive branch of the United States Government;

(4) take the initiative in establishing coordination of State-Federal cooperative agricultural research, extension, and teaching programs, funded in whole or in part by the Department of Agriculture in each State, through the administrative heads of land-grant colleges and universities and the State directors of agricultural experiment stations and cooperative extension services, and other appropriate program administrators;

(5) consult the Advisory Board and appropriate advisory committees of the Department of Agriculture in the formulation of basic policies, goals, strategies, and priorities for programs of agricultural research, extension, and teaching;

(6) report (as a part of the Department of Agriculture's annual budget submissions) to the House Committee on Agriculture, the House Committee on Appropriations, the Senate

Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations actions taken or proposed to support the recommendations of the Advisory Board;

(7) establish appropriate review procedures to assure that agricultural research projects are timely and properly reported and published and that there is no unnecessary duplication of effort or overlapping between agricultural research units;

(8) establish Federal or cooperative multidisciplinary research teams on major agricultural research problems with clearly defined leadership, budget responsibility, and research programs;

(9) in order to promote the coordination of agricultural research of the Department of Agriculture, conduct a continuing inventory of ongoing and completed research projects being conducted within or funded by the Department;

(10) coordinate all agricultural research, extension, and teaching activities conducted or financed by the Department of Agriculture with the periodic renewable resource assessment and program provided for in sections 1601 and 1602 of title 16 and the appraisal and program provided for in sections 2004 and 2005 of title 16;

(11) coordinate the efforts of States, State cooperative institutions, State extension services, the Advisory Board, and other appropriate institutions in assessing the current status of, and developing a plan for, the effective transfer of new technologies, including biotechnology, to the farming community, with particular emphasis on addressing the unique problems of small- and medium-sized farms in gaining information about those technologies; and

(12) establish appropriate controls with respect to the development and use of the application of biotechnology to agriculture.

(Pub. L. 95-113, title XIV, §1405, Sept. 29, 1977, 91 Stat. 985; Pub. L. 97-98, title XIV, §1405, Dec. 22, 1981, 95 Stat. 1298; Pub. L. 99-198, title XIV, §1404, Dec. 23, 1985, 99 Stat. 1544; Pub. L. 101-624, title XVI, §1605(b)(3), Nov. 28, 1990, 104 Stat. 3714; Pub. L. 104-127, title VIII, §§852(b)(1), 853(b)(2), Apr. 4, 1996, 110 Stat. 1171, 1172.)

AMENDMENTS

1996—Par. (5). Pub. L. 104-127, §852(b)(1)(A), substituted "Advisory Board" for "Joint Council, Advisory Board,".

Par. (11). Pub. L. 104-127, §852(b)(1)(B), struck out "the Joint Council," before "the Advisory Board".

Par. (12). Pub. L. 104-127, §853(b)(2), struck out ", after coordination with the Technology Board," after "establish".

1990—Par. (12). Pub. L. 101-624 inserted ", after coordination with the Technology Board," after "establish".

1985—Pars. (11), (12). Pub. L. 99-198 added pars. (11) and (12) and struck out former par. (11) which required the Secretary to "take the initiative in overcoming barriers to long-range planning by developing, in conjunction with the States, State cooperative institutions, the Joint Council, the Advisory Board, and other appropriate institutions, a long-term needs assessment for food, fiber, and forest products, and by determining the research requirements necessary to meet the identified needs."

1981—Par. (1). Pub. L. 97-98, §1405(1), substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare”.

Par. (5). Pub. L. 97-98, §1405(2), substituted “and appropriate advisory” for “and other appropriate advisory”.

Par. (6). Pub. L. 97-98, §1405(3), inserted “or proposed”.

Pars. (10), (11). Pub. L. 97-98, §1405(4)–(6), added pars. (10) and (11).

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

### § 3122. Repealed. Pub. L. 104-127, title VIII, § 852(a), Apr. 4, 1996, 110 Stat. 1171

Section, Pub. L. 95-113, title XIV, §1407, Sept. 29, 1977, 91 Stat. 986; Pub. L. 97-98, title XIV, §1407, Dec. 22, 1981, 95 Stat. 1299; Pub. L. 99-198, title XIV, §1405, Dec. 23, 1985, 99 Stat. 1545; Pub. L. 101-624, title XVI, §1604(a), Nov. 28, 1990, 104 Stat. 3706; Pub. L. 102-237, title IV, §§402(1), 407(1), Dec. 13, 1991, 105 Stat. 1863, 1864; Pub. L. 104-66, title I, §1012(d), (e), Dec. 21, 1995, 109 Stat. 712, related to establishment of Joint Council on Food and Agricultural Sciences.

### § 3123. National Agricultural Research, Extension, Education, and Economics Advisory Board

#### (a) Establishment

The Secretary shall establish within the Department of Agriculture a board to be known as the “National Agricultural Research, Extension, Education, and Economics Advisory Board”.

#### (b) Membership

##### (1) In general

The Advisory Board shall consist of 25 members, appointed by the Secretary.

##### (2) Selection of members

The Secretary shall appoint members of the Advisory Board from nominations submitted by organizations, associations, societies, councils, federations, groups, and companies fitting the criteria specified in paragraph (3).

##### (3) Membership categories

The Advisory Board shall consist of members from each of the following categories:

(A) 1 member representing a national farm organization.

(B) 1 member representing farm cooperatives.

(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

(E) 1 member actively engaged in aquaculture, recommended by a coalition of national aquacultural organizations.

(F) 1 member representing a national food animal science society.

(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

(H) 1 member representing a national food science organization.

(I) 1 member representing a national human health association.

(J) 1 member representing a national nutritional science society.

(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

(N) 1 member representing NLGCA Institutions.

(O) 1 member representing Hispanic-serving institutions.

(P) 1 member representing the American Colleges of Veterinary Medicine.

(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

(R) 1 member representing food retailing and marketing interests.

(S) 1 member representing food and fiber processors.

(T) 1 member actively engaged in rural economic development.

(U) 1 member representing a national consumer interest group.

(V) 1 member representing a national forestry group.

(W) 1 member representing a national conservation or natural resource group.

(X) 1 member representing private sector organizations involved in international development.

(Y) 1 member representing a national social science association.

#### (4) Ex officio members

The Secretary, the Under Secretary of Agriculture for Research, Education, and Economics, the Administrator of the Agricultural Research Service, the Administrator of the Cooperative State Research, Education, and Extension Service, the Administrator of the Economic Research Service, and the Administrator of the National Agricultural Statistics Service shall serve as ex officio members of the Advisory Board.

#### (5) Officers

At the first meeting of the Advisory Board each year, the members shall elect from among the members of the Advisory Board a chairperson, vice chairperson, and 7 additional members to serve on the executive committee established under paragraph (6).

#### (6) Executive committee

The Advisory Board shall establish an executive committee charged with the responsibil-

ity of working with the Secretary and officers and employees of the Department of Agriculture to summarize and disseminate the recommendations of the Advisory Board.

**(7) Equal representation of public and private sector members**

In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.

**(c) Duties**

The Advisory Board shall—

(1) review and provide consultation to the Secretary, land-grant colleges and universities, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate on long-term and short-term national policies and priorities, as set forth in section 3101 of this title, relating to agricultural research, extension, education, and economics;

(2) evaluate the results and effectiveness of agricultural research, extension, education, and economics with respect to the policies and priorities;

(3) review and make recommendations to the Under Secretary of Agriculture for Research, Education, and Economics on the research, extension, education, and economics portion of the draft strategic plan required under section 306 of title 5; and

(4) review the mechanisms of the Department of Agriculture for technology assessment (which should be conducted by qualified professionals) for the purposes of—

(A) performance measurement and evaluation of the implementation by the Secretary of the strategic plan required under section 306 of title 5;

(B) implementation of the national research policies and priorities set forth in section 3101 of this title; and

(C) the development of mechanisms for the assessment of emerging public and private agricultural research and technology transfer initiatives.

**(d) Consultation**

**(1) Duties of Advisory Board**

In carrying out this section, the Advisory Board shall consult with any appropriate agencies of the Department of Agriculture and solicit opinions and recommendations from persons who will benefit from and use federally funded agricultural research, extension, education, and economics.

**(2) Duties of Secretary**

To comply with a provision of this chapter or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board

to submit recommendations to the Secretary, the Secretary shall—

(A) solicit the written opinions and recommendations of the Advisory Board; and

(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.

**(e) Appointment**

A member of the Advisory Board shall be appointed by the Secretary for a term of up to 3 years. The members of the Advisory Board shall be appointed to serve staggered terms.

**(f) Federal Advisory Committee Act**

The Advisory Board shall be deemed to have filed a charter for the purpose of section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

**(g) Annual limitation on Advisory Board expenses**

**(1) Maximum amount**

Not more than \$500,000 may be used to cover the necessary expenses of the Advisory Board for each fiscal year.

**(2) General limitation**

The expenses of the Advisory Board shall not be counted toward any general limitation on the expenses of advisory committees, panels, commissions, and task forces of the Department of Agriculture contained in any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after June 23, 1998, unless the appropriation Act specifically refers to this subsection and specifically includes this Advisory Board within the general limitation.

**(h) Termination**

The Advisory Board shall remain in existence until September 30, 2012.

(Pub. L. 95-113, title XIV, §1408, Sept. 29, 1977, 91 Stat. 988; Pub. L. 97-98, title XIV, §1408, Dec. 22, 1981, 95 Stat. 1300; Pub. L. 99-198, title XIV, §1406, Dec. 23, 1985, 99 Stat. 1545; Pub. L. 101-624, title XVI, §1604(b), Nov. 28, 1990, 104 Stat. 3709; Pub. L. 102-237, title IV, §402(2), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-66, title I, §§1011(t), 1012(f), Dec. 21, 1995, 109 Stat. 710, 712; Pub. L. 104-127, title VIII, §802(a), Apr. 4, 1996, 110 Stat. 1156; Pub. L. 105-185, title II, §222, June 23, 1998, 112 Stat. 538; Pub. L. 107-171, title VII, §§7133, 7209(a), May 13, 2002, 116 Stat. 435, 444; Pub. L. 110-234, title VII, §§7102(a), 7511(c)(8), May 22, 2008, 122 Stat. 1214, 1268; Pub. L. 110-246, §4(a), title VII, §§7102(a), 7511(c)(8), June 18, 2008, 122 Stat. 1664, 1975, 2029.)

AMENDMENT OF SUBSECTION (b)(4)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effective Oct. 1, 2009, subsection (b)(4) of this section is amended by substituting “the Director of the National Institute of Food and Agriculture” for “the Administrator of the Cooperative State Research, Education, and Extension Service”.*

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (b)(3)(K), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known

as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in subsec. (b)(3)(L), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

For definition of “this chapter”, referred to in subsec. (d)(2), see note set out under section 3102 of this title.

Section 9 of the Federal Advisory Committee Act, referred to in subsec. (f), is section 9 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-246, §7102(a)(1)(A), substituted “25” for “31”.

Subsec. (b)(3). Pub. L. 110-246, §7102(a)(1)(B), added par. (3) and struck out former par. (3) which related to membership categories and directed that the Advisory Board consist of members from each of the categories listed in former subpars. (A) to (EE).

Subsec. (g)(1). Pub. L. 110-246, §7102(a)(2), substituted “\$500,000” for “\$350,000”.

Subsec. (h). Pub. L. 110-246, §7102(a)(3), substituted “2012” for “2007”.

2002—Subsec. (b)(1). Pub. L. 107-171, §7209(a)(1), substituted “31 members” for “30 members”.

Subsec. (b)(3)(R) to (EE). Pub. L. 107-171, §7209(a)(2), added subpar. (R) and redesignated former subpars. (R) to (DD) as (S) to (EE), respectively.

Subsec. (c)(1). Pub. L. 107-171, §7209(a)(3), substituted “Secretary, land-grant colleges and universities, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate” for “Secretary and land-grant colleges and universities”.

Subsec. (d)(1). Pub. L. 107-171, §7209(a)(4), inserted “consult with any appropriate agencies of the Department of Agriculture and” after “The Advisory Board shall”.

Subsec. (h). Pub. L. 107-171, §7133, substituted “2007” for “2002”.

1998—Subsec. (b)(7). Pub. L. 105-185, §222(a), added par. (7).

Subsec. (d). Pub. L. 105-185, §222(b), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsecs. (g), (h). Pub. L. 105-185, §222(c), added subsec. (g) and redesignated former subsec. (g) as (h).

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions which established National Agricultural Research and Extension Users Advisory Board and provided for membership, chairperson and vice-chairperson, meetings, panels of the Board, responsibilities of the Board, reports by the Board, and a report by the Secretary of Agriculture on manner in which recommendations of Board had been incorporated into programs of Department of Agriculture.

1995—Subsec. (g)(1). Pub. L. 104-66, §1012(f), inserted “may provide” before “a written report” in first sentence.

Subsec. (g)(2), (3). Pub. L. 104-66, §1011(t), redesignated par. (3) as (2) and struck out former par. (2) which required Advisory Board to submit to the President and congressional committees a report containing appraisal by Board of President’s proposed budget for food and agricultural sciences and recommendations of Secretary.

1991—Subsec. (e). Pub. L. 102-237, §402(2)(A), substituted “Government” for “government”.

Subsec. (g)(1). Pub. L. 102-237, §402(2)(B), substituted “federally” for “Federally”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions which established National Agricultural Research and Extension Users Advisory Board to expire on Sept. 30, 1990, authorized membership of Board at 25 representatives, provided for selection of chairman and vice-chairman, provided for meetings at least once during each three month period, authorized establishment of panels to assist Board in meeting its responsibilities, and outlined general and specific responsibilities of Board, including the submission of reports.

1985—Subsec. (a). Pub. L. 99-198, §1406(a), substituted “1990” for “1985”.

Subsec. (f)(2)(G). Pub. L. 99-198, §1406(b), added subpar. (G).

1981—Subsec. (a). Pub. L. 97-98, §1408(a), substituted “that expires September 30, 1985” for “of five years”.

Subsec. (b). Pub. L. 97-98, §1408(b), in provision preceding par. (1) substituted “twenty-five” for “twenty-one” and inserted “to serve staggered terms” and in par. (1) substituted “eight” for “four” and “agricultural, forestry, and aquacultural products, from various geographical regions” for “agricultural commodities, forest products, and aquacultural products”.

Subsec. (f)(2)(E). Pub. L. 97-98, §1408(c)(1), substituted “July 1” for “October 1”.

Subsec. (f)(2)(F). Pub. L. 97-98, §1408(c)(2), substituted “February 20 of” for “March 1 of”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(8) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECT OF 2008 AMENDMENT ON TERMS

Pub. L. 110-234, title VII, §7102(b), May 22, 2008, 122 Stat. 1215, and Pub. L. 110-246, §4(a), title VII, §7102(b), June 18, 2008, 122 Stat. 1664, 1976, provided that: “Nothing in this section [amending this section] or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act [June 18, 2008].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

### § 3123a. Specialty crop committee

#### (a) Establishment

Not later than 90 days after December 21, 2004, the executive committee of the Advisory Board

shall establish, and appoint the initial members of, a permanent specialty crops committee that will be responsible for studying the scope and effectiveness of research, extension, and economics programs affecting the specialty crop industry.

**(b) Members**

Individuals who are not members of the Advisory Board may be appointed as members of the specialty crops committee. Members of the specialty crops committee shall serve at the discretion of the executive committee.

**(c) Annual committee report**

Not later than 180 days after the establishment of the specialty crops committee, and annually thereafter, the specialty crops committee shall submit to the Advisory Board a report containing the findings of its study under subsection (a) of this section. The specialty crops committee shall include in each report recommendations regarding the following:

- (1) Measures designed to improve the efficiency, productivity, and profitability of specialty crop production in the United States.
- (2) Measures designed to improve competitiveness in research, extension, and economics programs affecting the specialty crop industry.
- (3) Programs that would—
  - (A) enhance the quality and shelf-life of fresh fruits and vegetables, including their taste and appearance;
  - (B) develop new crop protection tools and expand the applicability and cost-effectiveness of integrated pest management;
  - (C) prevent the introduction of foreign invasive pests and diseases;
  - (D) develop new products and new uses of specialty crops;
  - (E) develop new and improved marketing tools for specialty crops;
  - (F) enhance food safety regarding specialty crops;
  - (G) improve mechanization of production practices; and
  - (H) enhance irrigation techniques used in specialty crop production.

(4) Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

(5) Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.

**(d) Consideration by Secretary**

In preparing the annual budget recommendations for the Department of Agriculture, the Secretary shall take into consideration those findings and recommendations contained in the most-recent report of the specialty crops committee that are adopted by the Advisory Board.

**(e) Annual report by Secretary**

In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31 for

a fiscal year, the Secretary shall include a report describing how the Secretary addressed each recommendation of the specialty crops committee described in subsection (d) of this section.

(Pub. L. 95-113, title XIV, §1408A, as added Pub. L. 108-465, title III, §303, Dec. 21, 2004, 118 Stat. 3885; amended Pub. L. 110-234, title VII, §7103, May 22, 2008, 122 Stat. 1215; Pub. L. 110-246, §4(a), title VII, §7103, June 18, 2008, 122 Stat. 1664, 1976.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 3123a, Pub. L. 95-113, title XIV, §1408A, as added Pub. L. 101-624, title XVI, §1605(a), Nov. 28, 1990, 104 Stat. 3711; amended Pub. L. 102-237, title IV, §402(3), (4), Dec. 13, 1991, 105 Stat. 1863, related to establishment of Agricultural Science and Technology Review Board, prior to repeal by Pub. L. 104-127, title VIII, §853(a), Apr. 4, 1996, 110 Stat. 1172.

AMENDMENTS

2008—Subsec. (c)(4), (5). Pub. L. 110-246, §7103, added pars. (4) and (5).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3123b. Renewable energy committee**

**(a) Initial members**

Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

**(b) Duties**

The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

**(c) Nonadvisory Board members**

**(1) In general**

An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

**(2) Service**

A member of the renewable energy committee shall serve at the discretion of the executive committee.

**(d) Report by renewable energy committee**

Not later than 180 days after the date of establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report that contains the findings and any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

**(e) Consultation**

In carrying out the duties described in subsection (b), the renewable energy committee

shall consult with the Biomass Research and Development Technical Advisory Committee established under section 8605<sup>1</sup> of this title.

**(f) Matters to be considered in budget recommendation**

In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

**(g) Report by the Secretary**

In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31 for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).

(Pub. L. 95-113, title XIV, §1408B, as added Pub. L. 110-234, title VII, §7104, May 22, 2008, 122 Stat. 1216, and Pub. L. 110-246, §4(a), title VII, §7104, June 18, 2008, 122 Stat. 1664, 1977.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

Section 8605 of this title, referred to in subsec. (e), was in the original "section 9008(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8605)", and was translated as meaning section 306 of title III of Pub. L. 106-224, to reflect the probable intent of Congress, because title III of Pub. L. 106-224, known as the Biomass Research and Development Act of 2000, does not contain a section 9008 and section 306 of the Act related to the establishment of the Biomass Research and Development Technical Advisory Committee, prior to repeal by Pub. L. 110-246, title IX, §9001(b), June 18, 2008, 122 Stat. 2095.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3124. Existing research programs**

It is the intent of Congress in enacting this chapter to augment, coordinate, and supplement the planning, initiation, and conduct of agricultural research programs existing prior to September 29, 1977, except that it is not the intent of Congress in enacting this title to limit the authority of the Secretary of Health and Human Services under any Act which the Secretary of Health and Human Services administers.

(Pub. L. 95-113, title XIV, §1409, Sept. 29, 1977, 91 Stat. 989; Pub. L. 97-98, title XIV, §1409, Dec. 22, 1981, 95 Stat. 1301.)

<sup>1</sup> See References in Text note below.

REFERENCES IN TEXT

For definition of "this chapter", referred to in text, see note set out under section 3102 of this title.

AMENDMENTS

1981—Pub. L. 97-98 substituted "Secretary of Health and Human Services" for "Secretary of Health, Education, and Welfare" in two places.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3124a. Federal-State partnership and coordination**

**(a) Covered programs; statement of purposes**

A unique partnership arrangement exists in food and agricultural research, extension, and teaching between the Federal Government and the governments of the several States whereby the States have accepted and have supported, through legislation and appropriations—

(1) research programs under—

(A) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

(B) the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962;

(C) subchapter V of this chapter; and

(D) subchapter VI of this chapter;

(2) extension programs under subchapter VI of this chapter and the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act;

(3) teaching programs under—

(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act; and

(C) the Act of June 29, 1935 (7 U.S.C. 329, commonly known as the Bankhead-Jones Act; and

(4) international agricultural programs under title XII of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a et seq.).

This partnership in publicly supported agricultural research, extension, and teaching involving the programs of Federal agencies and the programs of the States has played a major role in the outstanding successes achieved in meeting the varied, dispersed, and in many cases, site-specific needs of American agriculture. This partnership must be preserved and enhanced.

**(b) Establishment, etc., of cooperative centers**

In order to promote research and education in food and human nutrition, the Secretary may establish cooperative human nutrition centers to focus resources, facilities, and scientific expertise on particular high priority nutrition problems identified by the Department. Such centers shall be established at State cooperative institutions; and at other colleges and universities, having a demonstrable capacity to carry out human nutrition research and education.

**(c) Designation of State cooperative institutions; reports; research grants**

(1) To promote research for purposes of developing agricultural policy alternatives, the Secretary is encouraged—

(A) to designate at least one State cooperative institution to conduct research in an interdisciplinary fashion; and

(B) to report on a regular basis with respect to the effect of emerging technological, economic, sociological, and environmental developments on the structure of agriculture.

(2) Support for this effort should include grants to examine the role of various food production, processing, and distribution systems that may primarily benefit small- and medium-sized family farms, such as diversified farm plans, energy, water, and soil conservation technologies, direct and cooperative marketing, production and processing cooperatives, and rural community resource management.

**(d) Designation of State agricultural experiment stations and Agricultural Research Service facilities; pilot projects; additional research**

To address more effectively the critical need for reducing farm input costs, improving soil, water, and energy conservation on farms and in rural areas, using sustainable agricultural methods, adopting alternative processing and marketing systems, and encouraging rural resources management, the Secretary is encouraged to designate at least one State agricultural experiment station and one Agricultural Research Service facility to examine these issues in an integrated and comprehensive manner, while conducting ongoing pilot projects contributing additional research through the Federal-State partnership.

**(e) Applicability of Federal Advisory Committee Act**

**(1) Public meetings**

All meetings of any entity described in paragraph (3) shall be publicly announced in advance and shall be open to the public. Detailed minutes of meetings and other appropriate records of the activities of such an entity shall be kept and made available to the public on request.

**(2) Exemption**

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act [7 U.S.C. 2281 et seq.] shall not apply to any entity described in paragraph (3).

**(3) Entities described**

This subsection shall apply to any committee, board, commission, panel, or task force, or similar entity that—

(A) is created for the purpose of cooperative efforts in agricultural research, extension, or teaching; and

(B) consists entirely of—

(i) full-time Federal employees; and  
(ii) one or more individuals who are employed by, or are officials of—

(I) a State cooperative institution or State cooperative agency; or

(II) a public college or university or other postsecondary institution.

(Pub. L. 95-113, title XIV, §1409A, as added Pub. L. 97-98, title XIV, §1410(a), Dec. 22, 1981, 95 Stat. 1301; amended Pub. L. 99-198, title XIV, §1407, Dec. 23, 1985, 99 Stat. 1545; Pub. L. 101-624, title XVI, §1601(f)(1)(B), Nov. 28, 1990, 104 Stat. 3704; Pub. L. 104-127, title VIII, §803, Apr. 4, 1996, 110 Stat. 1159.)

REFERENCES IN TEXT

Act of March 2, 1887, referred to in subsec. (a)(1)(A), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

Act of October 10, 1962, referred to in subsec. (a)(1)(B), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

Act of May 8, 1914, referred to in subsec. (a)(2), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, popularly known as the Smith-Lever Act, which is classified generally to subchapter IV (§341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

Act of July 2, 1862, referred to in subsec. (a)(3)(A), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in subsec. (a)(3)(B), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (a)(4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Title XII of the Foreign Assistance Act of 1961 probably means title XII of chapter 2 of part I of the Act, which is classified generally to subpart XII (§2220a et seq.) of part II of subchapter I of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (e)(2), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Title XVIII of this Act, referred to in subsec. (e)(2), is title XVIII of the Food and Agriculture Act of 1977, Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 1041, as amended, which is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-127 added subsec. (e).

1990—Subsecs. (c) to (e). Pub. L. 101-624 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which read as follows: “In order to meet the increasing needs of consumers and to promote the health and welfare of people, the Secretary shall ensure that the cooperative research, extension, and teaching programs of the various States

adequately address the challenges described in paragraph (10) of section 3101 of this title. The Secretary may implement new cooperative initiatives in home economics and related disciplines to address such challenges.”

1985—Subsec. (a)(4). Pub. L. 99-198, §1407(a), added par. (4).

Subsecs. (d), (e). Pub. L. 99-198, §1407(b), added subsecs. (d) and (e).

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

### § 3125. Annual report of Secretary of Agriculture to President and Congress

The Secretary shall submit to the President and Congress by January 1 of each year a report on the Nation's agricultural research, extension, and teaching activities, and such report shall include—

(1) a review covering the following three categories of activities of the Department of Agriculture with respect to agricultural research, extension, and teaching activities and the relationship of these activities to similar activities of other departments and agencies of the Federal Government, the States, colleges and universities, and the private sector—

(A) a current inventory of such activities organized by statutory authorization and budget outlay;

(B) a current inventory of such activities organized by field of basic and applied science; and

(C) a current inventory of such activities organized by commodity and product category;

(2) any recommendations of the Advisory Board; and

(3) in the second and succeeding years, a five-year projection of national priorities with respect to agricultural research, extension, and teaching, taking into account both domestic and international needs.

(Pub. L. 95-113, title XIV, §1410, Sept. 29, 1977, 91 Stat. 989; Pub. L. 97-98, title XIV, §1411, Dec. 22, 1981, 95 Stat. 1302; Pub. L. 99-198, title XIV, §1408, Dec. 23, 1985, 99 Stat. 1546; Pub. L. 101-624, title XVI, §1605(b)(4), Nov. 28, 1990, 104 Stat. 3714; Pub. L. 104-127, title VIII, §§802(b)(2), 852(b)(2), 853(b)(3), Apr. 4, 1996, 110 Stat. 1159, 1171, 1172.)

#### AMENDMENTS

1996—Par. (2). Pub. L. 104-127 substituted “any recommendations of the Advisory Board” for “the recommendations of the Joint Council developed under section 3122(f) of this title, the recommendations of the Advisory Board developed under section 3123(g) of this title, and the recommendations of the Technology Board developed under section 3123a(d) of this title”.

1990—Par. (2). Pub. L. 101-624 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the statements of recommendations of the Joint Council developed pursuant to the provisions of section 3122(d)(2)(G) of this title and the statement of recommendations of the Advisory Board developed pursuant to the provisions of section 3123(f)(2)(E) of this title; and”.

1985—Par. (4). Pub. L. 99-198 struck out par. (4) which provided for inclusion “in the report of January 1, 1984, the Secretary's needs assessment developed pursuant to the provisions of section 3121(11) of this title”.

1981—Pub. L. 97-98 substituted in provision preceding par. (1) “January 1” for “February 1” and added par. (4).

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section relating to submittal to Congress of annual report on agricultural research, extension, and teaching activities, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 44 of House Document No. 103-7.

### § 3125a. National Agricultural Library

#### (a) Purpose

The purpose of this section is to consolidate and expand the statutory authority for the operation of the library of the Department of Agriculture established pursuant to section 2201 of this title as the primary agricultural information resource of the United States.

#### (b) Establishment

There is established in the Department of Agriculture the National Agricultural Library to serve as the primary agricultural information resource of the United States.

#### (c) Director

The Secretary shall appoint a Director for the National Agricultural Library who shall be subject to the direction of the Secretary.

#### (d) Functions of Director

The Director may—

(1) acquire, preserve, and manage information and information products and services in all phases of agriculture and allied sciences;

(2) organize agricultural information and information products and services by cataloging, indexing, bibliographical listing, and other appropriate techniques;

(3) provide agricultural information and information products and services to agencies of the Department of Agriculture and the Federal Government, public and private organizations, and individuals, within the United States and internationally;

(4) plan for, coordinate, and evaluate information and library needs related to agricultural research and education;

(5) cooperate with and coordinate efforts among agricultural college and university libraries, in conjunction with private industry and other agricultural library and information centers, toward the development of a comprehensive agricultural library and information network; and

(6) coordinate the development of specialized subject information services among the agricultural and library information communities.

#### (e) Library products and services

The Director may—

(1) make copies of the bibliographies prepared by the National Agricultural Library;

(2) make microforms and other reproductions of books and other library materials in the Department;

(3) provide any other library and information products and services; and

(4) sell those products and services at such prices (not less than the estimated total cost of disseminating the products and services) as the Secretary may determine appropriate.

**(f) Receipts**

Funds received from sales under subsection (e) of this section shall be deposited in the Treasury of the United States to the credit of the applicable appropriation and shall remain available until expended.

**(g) Agreements**

**(1) In general**

The Director may enter into agreement with, and receive funds from any State, and other political subdivision, organization, business, or individual for the purpose of conducting activities to carry out this section.

**(2) Funds**

Funds received under this subsection for payments for library products and services or other activities shall be deposited to the miscellaneous contributed fund account, and shall remain available until expended.

**(h) Authorization of appropriations**

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

(Pub. L. 95-113, title XIV, §1410A, as added Pub. L. 101-624, title XVI, §1606(a), Nov. 28, 1990, 104 Stat. 3714.)

ENHANCED USE LEASE AUTHORITY PILOT PROGRAM

Pub. L. 103-354, title III, §308, as added by Pub. L. 110-234, title VII, §7409, May 22, 2008, 122 Stat. 1252, and Pub. L. 110-246, §4(a), title VII, §7409, June 18, 2008, 122 Stat. 1664, 2014, provided that:

“(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease non-excess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

“(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

“(B) will enhance the use of the property;

“(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

“(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

“(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

“(2) TERM.—The term of a lease under this section shall not exceed 30 years.

“(3) CONSIDERATION.—

“(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

“(i) in an amount equal to fair market value, as determined by the Secretary; and

“(ii) in the form of cash.

“(B) USE OF FUNDS.—

“(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

“(I) deposited in a capital asset account to be established by the Secretary; and

“(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

“(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

“(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

“(A) the project to be carried out on property or at a facility covered by the lease;

“(B) provision and administration of the lease;

“(C) construction of any needed facilities;

“(D) provision of applicable utilities; and

“(E) any other facility cost normally associated with the operation of a leased facility.

“(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

“(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

“(A) on the date that is 5 years after the date of enactment of this section [June 18, 2008]; or

“(B) with respect to any particular leased property, on the date of termination of the lease.

“(c) EFFECT OF OTHER LAWS.—

“(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act [now the McKinney-Vento Homeless Assistance Act] (42 U.S.C. 11411).

“(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplus for purposes of section 523 of Public Law 100-202 (101 Stat. 1329-417).

“(d) ADMINISTRATION.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section [June 18, 2008], the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

“(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section [June 18, 2008], the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

“(A) a copy of each lease entered into pursuant to this section; and

“(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a)

of Pub. L. 110-246, set out as a note under section 8701 of this title.]

**§ 3125b. National Rural Information Center Clearinghouse**

**(a) Establishment**

The Secretary shall establish, within the National Agricultural Library, in coordination with the Extension Service, a National Rural Information Center Clearinghouse (in this section referred to as the “Clearinghouse”) to perform the functions specified in subsection (b) of this section.

**(b) Functions**

The Clearinghouse shall provide and distribute information and data to any industry, organization, or Federal, State, or local government entity, on request, about programs and services provided by Federal, State, and local agencies and private nonprofit organizations and institutions under which individuals residing in, or organizations and State and local government entities operating in, a rural area may be eligible for any kind of assistance, including job training, education, health care, and economic development assistance, and emotional and financial counseling. To the extent possible, the National Agricultural Library shall use telecommunications technology to disseminate information to rural areas.

**(c) Federal agencies**

On request of the Secretary, the head of a Federal agency shall provide to the Clearinghouse such information as the Secretary may request to enable the Clearinghouse to carry out subsection (b) of this section.

**(d) State and local agencies and nonprofit organizations**

The Secretary shall request State and local governments and private nonprofit organizations and institutions to provide to the Clearinghouse such information as such agencies and organizations may have about any program or service of such agencies, organizations, and institutions under which individuals residing in a rural area may be eligible for any kind of assistance, including job training, educational, health care, and economic development assistance, and emotional and financial counseling.

**(e) Limitation on authorization of appropriations**

To carry out this section, there are authorized to be appropriated \$500,000 for each of the fiscal years 1991 through 2012.

(Pub. L. 101-624, title XXIII, §2381, Nov. 28, 1990, 104 Stat. 4049; Pub. L. 104-127, title VIII, §842, Apr. 4, 1996, 110 Stat. 1170; Pub. L. 105-185, title III, §301(b)(3), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, §7101, May 13, 2002, 116 Stat. 431; Pub. L. 110-234, title VII, §§7212, 7511(c)(9), May 22, 2008, 122 Stat. 1242, 1268; Pub. L. 110-246, §4(a), title VII, §§7212, 7511(c)(9), June 18, 2008, 122 Stat. 1664, 2003, 2029.)

AMENDMENT OF SUBSECTION (a)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effective Oct. 1, 2009, subsection (a) of this section is amended by substituting “National Institute of Food and Agriculture” for “Extension Service”.*

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Rural Economic Development Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-246, §7212, substituted “2012” for “2007”.

2002—Subsec. (e). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (e). Pub. L. 105-185 substituted “2002” for “1997”.

1996—Subsec. (e). Pub. L. 104-127 substituted “1997” for “1995”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(9) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 3125c. Repealed. Pub. L. 104-127, title VIII, § 859(a), Apr. 4, 1996, 110 Stat. 1173**

Section, Pub. L. 101-624, title XIV, §1499A, as added Pub. L. 102-237, title II, §201(h)(1), Dec. 13, 1991, 105 Stat. 1847, related to education program regarding handling of agricultural chemicals and agricultural chemical containers.

**§ 3126. Libraries and information network**

**(a) Congressional declaration of policy**

It is declared to be the policy of Congress that—

(1) cooperation and coordination among, and the more effective utilization of, disparate agricultural libraries and information units be facilitated;

(2) information and library needs related to agricultural research and education be effectively planned for, coordinated, and evaluated;

(3) a structure for the coordination of the agricultural libraries of colleges and universities, Department of Agriculture libraries, and their closely allied information gathering and disseminating units be established in close conjunction with private industry and other research libraries;

(4) effective access by all colleges and universities and Department of Agriculture personnel to literature and information regarding the food and agricultural sciences be provided;

(5) programs for training in information utilization with respect to the food and agricultural sciences, including research grants for librarians, information scientists, and agricultural scientists be established or strengthened; and

(6) the Department of Agriculture establish mutually valuable working relationships with international and foreign information and data programs.

**(b) Food and Nutrition and Education Resources Center**

There is established within the National Agricultural Library of the Department of Agriculture a Food and Nutrition Information and Education Resources Center. Such Center shall be responsible for—

- (1) assembling and collecting food and nutrition education materials, including the results of nutrition research, training methods, procedures, and other materials related to the purpose of this chapter;
- (2) maintaining such information and materials in a library; and
- (3) providing notification about these collections on a regular basis to the State cooperative extension services, State educational agencies, and other interested persons.

**(c) Authorization of appropriations**

Funds are authorized to be appropriated annually in such amounts as Congress may determine necessary to support the purposes of this section. The Secretary is authorized to carry out this section with existing facilities through the use of grants, contracts, or such other means as the Secretary deems appropriate and to require matching of funds. No funds appropriated to support the purposes of this section shall be used to purchase additional equipment unless specifically authorized by law subsequent to September 29, 1977.

(Pub. L. 95-113, title XIV, §1411, Sept. 29, 1977, 91 Stat. 990; Pub. L. 97-98, title XIV, §1412, Dec. 22, 1981, 95 Stat. 1302.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b)(1), see note set out under section 3102 of this title.

AMENDMENTS

1981—Subsec. (a)(6). Pub. L. 97-98, §1412(1)–(3), added par. (6).

Subsec. (b)(3). Pub. L. 97-98, §1412(4), substituted “notification about these collections on a regular basis to the State cooperative extension services, State educational agencies, and other interested persons” for “for the dissemination of such information and materials on a regular basis to State educational agencies and other interested persons”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3127. Support for Advisory Board**

**(a) Appointment of staff**

To assist the Advisory Board in the performance of its duties, the Secretary may appoint, after consultation with the chairperson of the Advisory Board—

- (1) a full-time executive director who shall perform such duties as the chairperson of the Advisory Board may direct and who shall receive compensation at a rate not to exceed the rate payable for GS-18 of the General Schedule established in section 5332 of title 5; and
- (2) a professional staff of not more than five full-time employees qualified in the food and agricultural sciences, of which one shall serve

as the executive secretary to the Advisory Board.

**(b) Additional clerical assistance and staff personnel**

The Secretary shall provide such additional clerical assistance and staff personnel as may be required to assist the Advisory Board in carrying out its duties.

**(c) Assistance of outside personnel**

In formulating its recommendations to the Secretary, the Advisory Board may obtain the assistance of Department of Agriculture employees, and, to the maximum extent practicable, the assistance of employees of other Federal departments and agencies conducting related programs of agricultural research, extension, and teaching and of appropriate representatives of colleges and universities, including State agricultural experiment stations, cooperative extension services, and other non-Federal organizations conducting significant programs in the food and agricultural sciences.

(Pub. L. 95-113, title XIV, §1412, Sept. 29, 1977, 91 Stat. 991; Pub. L. 97-98, title XIV, §1413, Dec. 22, 1981, 95 Stat. 1302; Pub. L. 101-624, title XVI, §1605(b)(1), Nov. 28, 1990, 104 Stat. 3713; Pub. L. 102-237, title IV, §402(5), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, §§852(b)(3), 853(b)(4), Apr. 4, 1996, 110 Stat. 1171, 1172; Pub. L. 105-185, title VI, §606(c)(1), June 23, 1998, 112 Stat. 603.)

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-185, §606(c)(1)(A), substituted “its duties” for “their duties”.

Subsec. (c). Pub. L. 105-185, §606(c)(1)(B), substituted “its recommendations” for “their recommendations”.

1996—Pub. L. 104-127, §§852(b)(3)(A), 853(b)(4)(A), in section catchline, substituted “Advisory Board” for “Joint Council, Advisory Board, and Technology Board”.

Subsec. (a). Pub. L. 104-127, §§852(b)(3)(B)(i), (ii), 853(b)(4)(B)(i), in introductory provisions, substituted “To assist the Advisory Board in” for “To assist the Joint Council, the Advisory Board, and the Technology Board in” and “with the chairperson of the Advisory Board” for “with the cochairpersons of the Joint Council and the chairperson of the Advisory Board and the Technology Board”.

Subsec. (a)(1). Pub. L. 104-127, §§852(b)(3)(B)(ii), 853(b)(4)(B)(i), substituted “the chairperson of the Advisory Board” for “the cochairpersons of the Joint Council and the chairperson of the Advisory Board and the Technology Board”.

Subsec. (a)(2). Pub. L. 104-127, §§852(b)(3)(B)(iii), 853(b)(4)(B)(ii), substituted “one shall serve as the executive secretary to the Advisory Board” for “one shall serve as the executive secretary to the Joint Council, one shall serve as the executive secretary to the Advisory Board, and one shall serve as the executive secretary to the Technology Board”.

Subsecs. (b), (c). Pub. L. 104-127, §§852(b)(3)(C), 853(b)(4)(C), substituted “Advisory Board” for “Joint Council, Advisory Board, and Technology Board”.

1991—Subsecs. (b), (c). Pub. L. 102-237 substituted “, Advisory Board, and Technology Board” for “and Advisory Board”.

1990—Pub. L. 101-624, §1605(b)(1)(A), amended section catchline generally.

Subsec. (a). Pub. L. 101-624, §1605(b)(1)(B), in introductory provision, substituted “, the Advisory Board, and the Technology Board” for “and the Advisory Board” and inserted “and the Technology Board” before the dash, in par. (1), inserted “and the Technology Board”

before “may direct”, and in par. (2), substituted “Council,” for “Council and” and inserted before period at end “, and one shall serve as the executive secretary to the Technology Board”.

Subsecs. (b), (c). Pub. L. 101-624, §1605(b)(1)(C), (D), which directed the substitution of “, the Advisory Board, and the Technology Board” for “and the Advisory Board”, could not be executed because the phrase “and the Advisory Board” did not appear in text.

1981—Subsec. (a). Pub. L. 97-98 inserted in provision preceding par. (1) provision requiring consultation with the cochairpersons of the Joint Council and the chairperson of the Advisory Board, redesignated former par. (2) as (1) and substituted provision that a full-time executive director perform such duties as the cochairpersons of the Joint Council and chairperson of the Advisory Board direct for provision that an executive director perform such duties as the chairman of the Joint Council and the chairman of the Advisory Board direct, and redesignated former par. (1) as (2) and inserted provision that one of the full-time staff serve as the executive secretary to the Joint Council and one serve as executive secretary to the Advisory Board.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 3128. General provisions

#### (a) Vacancies in Advisory Board

Any vacancy in the Advisory Board shall not affect its duties under this title and shall be filled in the same manner as the original position.

#### (b) Compensation and expenses of members of Advisory Board

Members of the Advisory Board shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services under this chapter, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5.

#### (c) Authorization of appropriations

There are authorized to be appropriated annually such sums as Congress may determine necessary to carry out the provisions of section 3127 of this title and subsection (b) of this section.

(Pub. L. 95-113, title XIV, §1413, Sept. 29, 1977, 91 Stat. 991; Pub. L. 97-98, title XIV, §1414(a), Dec. 22, 1981, 95 Stat. 1303; Pub. L. 101-624, title XVI, §1605(b)(2), Nov. 28, 1990, 104 Stat. 3713; Pub. L. 103-354, title II, §218(e)(7), Oct. 13, 1994, 108 Stat. 3213; Pub. L. 104-127, title VIII, §§852(b)(4), 853(b)(5), Apr. 4, 1996, 110 Stat. 1171, 1172; Pub. L. 105-185, title VI, §606(b), (c)(2), June 23, 1998, 112 Stat. 603, 604.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b), see note set out under section 3102 of this title.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-185, §606(c)(2), substituted “its duties” for “their powers”.

Subsec. (b). Pub. L. 105-185, §606(b), substituted “Advisory Board” for “Joint Council, the Advisory Board,”.

1996—Subsec. (a). Pub. L. 104-127, §§852(b)(4)(A), 853(b)(5)(A), substituted “the Advisory Board” for “the Joint Council, the Advisory Board, or the Technology Board”.

Subsec. (b). Pub. L. 104-127, §853(b)(5)(B), struck out “and the Technology Board” before “shall serve without”.

Pub. L. 104-127, §852(b)(4)(B), which directed substitution of “Advisory Board” for “Joint Council, Advisory Board,” could not be executed because those words did not appear in text.

1994—Subsec. (d). Pub. L. 103-354 struck out subsec. (d) which read as follows: “The President shall appoint, by and with the advice and consent of the Senate, an Assistant Secretary of Agriculture who shall perform such duties as are necessary to carry out this chapter and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.”

1990—Subsec. (a). Pub. L. 101-624, §1605(b)(2)(A), substituted “, the Advisory Board, or the Technology Board” for “or the Advisory Board”.

Subsec. (b). Pub. L. 101-624, §1605(b)(2)(B), substituted “, the Advisory Board, and the Technology Board” for “and Advisory Board”.

Subsecs. (d), (e). Pub. L. 101-624, §1605(b)(2)(C), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “The Subcommittee on Food, Agricultural, and Forestry Research, the Joint Council, and the Advisory Board shall improve communication and interaction among themselves and with others in the agricultural science and education system through such mechanisms as the exchange of reports, joint meetings, and the use of liaison representatives.”

1981—Subsecs. (c) to (e). Pub. L. 97-98 added subsecs. (c) to (e).

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

### § 3129. Accountability

#### (a) Review of information technology systems

The Secretary shall conduct a comprehensive review of state-of-the-art information technology systems that are available for use in developing the system required by subsection (b) of this section.

#### (b) Monitoring and evaluation system

The Secretary shall develop and carry out a system to monitor and evaluate agricultural research and extension activities conducted or supported by the Department of Agriculture that will enable the Secretary to measure the impact and effectiveness of research, extension, and education programs according to priorities, goals, and mandates established by law. In developing the system, the Secretary shall incorporate information transfer technologies to optimize public access to research information.

#### (c) Consistency with other requirements

The Secretary shall develop and implement the system in a manner consistent with the Gov-

ernment Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) and amendments made by the Act.

**(d) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section. (Pub. L. 95-113, title XIV, §1413A, as added Pub. L. 104-127, title VIII, §804, Apr. 4, 1996, 110 Stat. 1160.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

PRIOR PROVISIONS

A prior section 3129, Pub. L. 95-113, title XIV, §1413A, as added Pub. L. 96-294, title II, §255(a), June 30, 1980, 94 Stat. 707, provided for biomass energy educational and technical assistance programs, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(C), Nov. 28, 1990, 104 Stat. 3704.

**§ 3129a. Federal Advisory Committee Act exemption for competitive research, extension, and education programs**

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act [7 U.S.C. 2281 et seq.] shall not apply to any committee, board, commission, panel, or task force, or similar entity, created solely for the purpose of reviewing applications or proposals requesting funding under any competitive research, extension, or education program carried out by the Secretary. (Pub. L. 95-113, title XIV, §1413B, as added Pub. L. 104-127, title VIII, §804, Apr. 4, 1996, 110 Stat. 1160.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Title XVIII of this Act, referred to in text, is title XVIII of the Food and Agriculture Act of 1977, Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 1041, as amended, which is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

**§ 3130. Repealed. Pub. L. 104-127, title VIII, §858, Apr. 4, 1996, 110 Stat. 1173**

Section, Pub. L. 101-624, title XIV, §1456, Nov. 28, 1990, 104 Stat. 3614, related to composting research and extension program.

SUBCHAPTER III—AGRICULTURAL RESEARCH AND EDUCATION GRANTS AND FELLOWSHIPS

**§ 3151. Grants to enhance research capacity in schools of veterinary medicine**

**(a) Competitive grant program**

The Secretary shall conduct a program of competitive grants to States for the purpose of

meeting the costs of renovation, improving compliance with Federal regulations, employing faculty, acquiring equipment, and taking other action related to the improvement of schools of veterinary medicine to ensure agricultural competitiveness on a worldwide basis. This grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum State funding.

**(b) Preference**

Except with respect to the States of Alaska and Hawaii, the Secretary shall give preference in awarding grants to States which file, with their application for funds under this section, assurances satisfactory to the Secretary that—

(1) the State has established a veterinary medical training program with one or more States without colleges of veterinary medicine which consists of appropriate cooperative agreements providing for a sharing of curriculum and costs by the individual States;

(2) the clinical training of the school to be improved shall emphasize care and preventive medical programs for food animals and companion animals (including horses) which support industries of major economic importance; and

(3) the Secretary may set aside a portion of funds appropriated for the award of grants under this section and make such amounts available only for grants to eligible colleges and universities that the Secretary determines have unique capabilities for achieving the objective of full participation of minority groups in research in the Nation's schools of veterinary medicine.

Notwithstanding clause (1) of this subsection, no State which the Secretary determines has made a reasonable effort to establish appropriate cooperative agreements shall be denied a grant or otherwise prejudiced because of its failure to establish such cooperative agreements.

**(c) Apportionment and distribution of funds**

Funds appropriated to carry out this section for any fiscal year shall be apportioned and distributed as follows:

(1) Five per centum shall be retained by the Department of Agriculture for administration, program assistance to eligible States, and program coordination.

(2) The remainder shall be apportioned and distributed by the Secretary to those States which have applied for funds under this section on such basis as the Secretary may deem appropriate.

(Pub. L. 95-113, title XIV, §1415, Sept. 29, 1977, 91 Stat. 993; Pub. L. 97-98, title XIV, §1417, Dec. 22, 1981, 95 Stat. 1305; Pub. L. 99-198, title XIV, §1410, Dec. 23, 1985, 99 Stat. 1547; Pub. L. 101-624, title XVI, §1607(a), (b), Nov. 28, 1990, 104 Stat. 3716.)

AMENDMENTS

1990—Pub. L. 101-624, §1607(b)(1), amended section catchline generally.

Subsec. (a). Pub. L. 101-624, §1607(b)(1), inserted heading.

Pub. L. 101-624, §1607(a)(1), amended first sentence generally. Prior to amendment, first sentence read as

follows: “The Secretary shall conduct a program of grants to States for the purpose of meeting the costs of construction, employing faculty, acquiring equipment, and taking other action relating to the initial establishment and initial operation of schools of veterinary medicine, or the expansion of existing schools of veterinary medicine, as determined [sic] by the Secretary by regulations.”

Subsec. (b). Pub. L. 101-624, §1607(b)(2), inserted heading.

Subsec. (b)(1). Pub. L. 101-624, §1607(a)(2), struck out “, or has made a reasonable effort to establish,” after “established”, and “and” after “States;”.

Subsec. (b)(2). Pub. L. 101-624, §1607(a)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the clinical training of the school to be established or expanded shall emphasize care and preventive medical programs for food-producing animals.”

Subsec. (b)(3). Pub. L. 101-624, §1607(a)(3), added par. (3).

Subsec. (c). Pub. L. 101-624, §1607(b)(3), inserted heading.

1985—Subsec. (c)(1). Pub. L. 99-198 substituted “Five” for “Four”.

1981—Subsec. (c)(2). Pub. L. 97-98 struck out proviso that not less than 50 per centum of such funds shall be made available to States which have accredited schools of veterinary medicine.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

### § 3151a. Veterinary medicine loan repayment

#### (a) Program

##### (1) Service in shortage situations

The Secretary shall carry out a program of entering into agreements with veterinarians under which the veterinarians agree to provide, for a period of time as determined by the Secretary and specified in the agreement, veterinary services in veterinarian shortage situations. For each year of such service under an agreement under this paragraph, the Secretary shall pay an amount, as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians.

##### (2) Service to Federal Government in emergency situations

###### (A) In general

The Secretary may enter into agreements of 1 year duration with veterinarians who have agreements pursuant to paragraph (1) for such veterinarians to provide services to the Federal Government in emergency situations, as determined by the Secretary, under terms and conditions specified in the agreement. Pursuant to an agreement under this paragraph, the Secretary shall pay an amount, in addition to the amount paid pursuant to the agreement in paragraph (1), as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians.

###### (B) Requirements

Agreements entered into under this paragraph shall include the following:

(i) A veterinarian shall not be required to serve more than 60 working days per year of the agreement.

(ii) A veterinarian who provides service pursuant to the agreement shall receive a salary commensurate with the duties and shall be reimbursed for travel and per diem expenses as appropriate for the duration of the service.

#### (b) Determination of veterinarian shortage situations

In determining “veterinarian shortage situations”, the Secretary may consider—

(1) geographical areas that the Secretary determines have a shortage of veterinarians; and

(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety.

#### (c) Administration

##### (1) Authority

The Secretary may carry out this program directly or enter into agreements with another Federal agency or other service provider to assist in the administration of this program.

##### (2) Breach remedies

###### (A) In general

Agreements with program participants shall provide remedies for any breach of an agreement by a participant, including repayment or partial repayment of financial assistance received, with interest.

###### (B) Amounts recovered

Funds recovered under this subsection shall be credited to the account available to carry out this section and shall remain available until expended.

##### (3) Waiver

The Secretary may grant a waiver of the repayment obligation for breach of contract in the event of extreme hardship or extreme need, as determined by the Secretary.

##### (4) Amount

The Secretary shall develop regulations to determine the amount of loan repayment for a year of service by a veterinarian. In making the determination, the Secretary shall consider the extent to which such determination—

(A) affects the ability of the Secretary to maximize the number of agreements that can be provided under the Veterinary Medicine Loan Repayment Program from the amounts appropriated for such agreements; and

(B) provides an incentive to serve in veterinary service shortage areas with the greatest need.

##### (5) Qualifying educational loans

Loan repayments provided under this section may consist of payments on behalf of participating individuals of the principal and interest on government and commercial loans received by the individual for attendance of the individual at an accredited college of vet-

erinary medicine resulting in a degree of Doctor of Veterinary Medicine or the equivalent, which loans were made for—

- (A) tuition expenses;
- (B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or
- (C) reasonable living expenses as determined by the Secretary.

**(6) Repayment schedule**

The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

**(7) Tax liability**

In addition to educational loan repayments, the Secretary shall make such additional payments to participants as the Secretary determines to be appropriate for the purpose of providing reimbursements to participants for individual tax liability resulting from participation in this program.

**(8) Priority**

In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.

**(d) Use of funds**

None of the funds appropriated to the Secretary under subsection (f) may be used to carry out section 5379 of title 5.

**(e) Regulations**

Notwithstanding subchapter II of chapter 5 of title 5, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.

**(f) Authorization of appropriations**

There are authorized to be appropriated for carrying out this section such sums as may be necessary and such sums shall remain available to the Secretary for the purposes of this section until expended.

(Pub. L. 95-113, title XIV, §1415A, as added Pub. L. 108-161, §2, Dec. 6, 2003, 117 Stat. 2014; amended Pub. L. 110-234, title VII, §7105(a), May 22, 2008, 122 Stat. 1216; Pub. L. 110-246, §4(a), title VII, §7105(a), June 18, 2008, 122 Stat. 1664, 1977.)

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, §7105(a)(1), added subsec. (b) and struck out former subsec. (b) which authorized the Secretary to consider certain factors in determining “veterinarian shortage situations”.

Subsec. (c)(8). Pub. L. 110-246, §7105(a)(2), added par. (8).

Subsecs. (d) to (f). Pub. L. 110-246, §7105(a)(3), (4), added subsecs. (d) and (e) and redesignated former subsec. (d) as (f).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§3152. Grants and fellowships for food and agricultural sciences education**

**(a) Higher education teaching programs**

The Secretary shall promote and strengthen higher education in the food and agricultural sciences by formulating and administering programs to enhance college and university teaching programs in agriculture, natural resources, forestry, veterinary medicine, home economics, disciplines closely allied to the food and agricultural system, and rural economic, community, and business development.

**(b) Grants**

The Secretary may make competitive grants (or grants without regard to any requirement for competition) to land-grant colleges and universities (including the University of the District of Columbia), to colleges and universities having significant minority enrollments and a demonstrable capacity to carry out the teaching of food and agricultural sciences, and to other colleges and universities having a demonstrable capacity to carry out the teaching of food and agricultural sciences, for a period not to exceed 5 years—

(1) to strengthen institutional capacities, including curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, to respond to identified State, regional, national, or international educational needs in the food and agricultural sciences, or in rural economic, community, and business development;

(2) to attract and support undergraduate and graduate students in order to educate the students in national need areas of the food and agricultural sciences, or in rural economic, community, and business development;

(3) to facilitate cooperative initiatives between two or more eligible institutions, or between eligible institutions and units of State government or organizations in the private sector, to maximize the development and use of resources such as faculty, facilities, and equipment to improve food and agricultural sciences teaching programs, or teaching programs emphasizing rural economic, community, and business development;

(4) to design and implement food and agricultural programs, or programs emphasizing rural economic, community, and business development, to build teaching, research, and extension capacity at colleges and universities having significant minority enrollments;

(5) to conduct undergraduate scholarship programs to meet national and international needs for training food and agricultural scientists and professionals, or professionals in rural economic, community, and business development; and

(6) to conduct graduate and postdoctoral fellowship programs to attract highly promising individuals to research or teaching careers in the food and agricultural sciences.

**(c) Priorities**

In awarding grants under subsection (b) of this section, the Secretary shall give priority to—

- (1) applications for teaching enhancement projects that demonstrate enhanced coordination among all types of institutions eligible for funding under this section; and
- (2) applications for teaching enhancement projects that focus on innovative, multidisciplinary education programs, material, and curricula.

**(d) Eligibility for grants****(1) In general**

To be eligible for a grant under subsection (b) of this section, a recipient institution must have a significant demonstrable commitment to higher education teaching programs in the food and agricultural sciences, or in rural economic, community, and business development, and to each specific subject area for which the grant is to be used.

**(2) Minority groups**

The Secretary may set aside a portion of the funds appropriated for the awarding of grants under subsection (b) of this section, and make such amounts available only for grants to eligible colleges and universities (including the University of the District of Columbia) that the Secretary determines have unique capabilities for achieving the objective of full representation of minority groups in the food and agricultural sciences workforce, or in the rural economic, community, and business development workforce, of the United States.

**(3) Research foundations**

An eligible college or university under subsection (b) includes a research foundation maintained by the college or university.

**(e) Food and agricultural education information system**

From amounts made available for grants under this section, the Secretary may maintain a national food and agricultural education information system that contains—

- (1) information on enrollment, degrees awarded, faculty, and employment placement in the food and agricultural sciences; and
- (2) such other similar information as the Secretary considers appropriate.

**(f) Evaluation of teaching programs**

The Secretary shall conduct programs to develop, analyze, and provide to colleges and universities data and information that are essential to the evaluation of the quality of teaching programs and to facilitate the design of more effective programs comprising the food and agricultural sciences higher education system of the United States.

**(g) Continuing education**

The Secretary shall conduct special programs with colleges and universities, and with organizations in the private sector, to support educational initiatives to enable food and agricultural scientists and professionals to maintain their knowledge of changing technology, the expanding knowledge base, societal issues, and

other factors that impact the skills and competencies needed to maintain the expertise base available to the agricultural system of the United States. The special programs shall include grants and technical assistance.

**(h) Transfers of funds and functions**

Funds authorized in section 22 of the Act of June 29, 1935 (49 Stat. 439, chapter 338; 7 U.S.C. 329) are transferred to and shall be administered by the Secretary of Agriculture. There are transferred to the Secretary all the functions and duties of the Secretary of Education under such Act applicable to the activities and programs for which funds are made available under section 22 of such Act.

**(i) National Food and Agricultural Sciences Teaching, Extension, and Research Awards****(1) Establishment****(A) In general**

The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

**(B) Minimum requirement**

The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.

**(2) Funding**

The Secretary may transfer funds from amounts appropriated for the conduct of any agricultural research, extension, or teaching program to an account established pursuant to this section for the purpose of making the awards. The Secretary may accept gifts in accordance with section 2269 of this title for the purpose of making the awards.

**(j) Secondary education, 2-year postsecondary education, and agriculture in the K-12 classroom****(1) Definitions**

In this subsection:

**(A) Institution of higher education**

The term “institution of higher education” has the meaning given the term in section 1001 of title 20.

**(B) Secondary school**

The term “secondary school” has the meaning given the term in section 7801 of title 20.

**(2) Agriscience and agribusiness education**

The Secretary shall—

(A) promote and strengthen secondary education and 2-year postsecondary education in agriscience and agribusiness in order to help ensure the existence in the United States of a qualified workforce to serve the food and agricultural sciences system; and

(B) promote complementary and synergistic linkages among secondary, 2-year

postsecondary, and higher education programs in the food and agricultural sciences in order to promote excellence in education and encourage more young Americans to pursue and complete a baccalaureate or higher degree in the food and agricultural sciences.

### (3) Grants

The Secretary may make competitive or noncompetitive grants, for grant periods not to exceed 5 years, to public secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations, that the Secretary determines have made a commitment to teaching agriscience and agribusiness—

(A) to enhance curricula in agricultural education;

(B) to increase faculty teaching competencies;

(C) to interest young people in pursuing higher education in order to prepare for scientific and professional careers in the food and agricultural sciences;

(D) to promote the incorporation of agriculture and agribusiness subject matter into other instructional programs, particularly classes in science, business, and consumer education;

(E) to facilitate joint initiatives by the grant recipient with other secondary schools, institutions of higher education that award an associate's degree, and institutions of higher education that award a bachelor's degree to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve agriscience and agribusiness education;

(F) to support other initiatives designed to meet local, State, regional, or national needs related to promoting excellence in agriscience and agribusiness education; and

(G) to support current agriculture in the classroom programs for grades K–12.

### (k) Administration

The Federal Advisory Committee Act and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications and proposals for grants or nominations for awards submitted under this section.

### (l) Report

The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biennial report detailing the distribution of funds used to implement the teaching programs under subsection (j).

### (m) Authorization of appropriations

There are authorized to be appropriated for carrying out this section \$60,000,000 for each of the fiscal years 1990 through 2012.

(Pub. L. 95–113, title XIV, §1417, Sept. 29, 1977, 91 Stat. 996; Pub. L. 97–98, title XIV, §1418, Dec. 22, 1981, 95 Stat. 1305; Pub. L. 99–198, title XIV, §1412, Dec. 23, 1985, 99 Stat. 1548; Pub. L. 101–624,

title XVI, §1608, Nov. 28, 1990, 104 Stat. 3716; Pub. L. 102–237, title IV, §402(6), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104–127, title VIII, §805, Apr. 4, 1996, 110 Stat. 1160; Pub. L. 105–185, title II, §223, title III, §301(a)(1), June 23, 1998, 112 Stat. 539, 562; Pub. L. 105–244, title I, §102(a)(1)(B), Oct. 7, 1998, 112 Stat. 1617; Pub. L. 107–110, title X, §1076(c), Jan. 8, 2002, 115 Stat. 2091; Pub. L. 107–171, title VII, §7102, May 13, 2002, 116 Stat. 431; Pub. L. 110–234, title VII, §§7106–7109(c), May 22, 2008, 122 Stat. 1217, 1218; Pub. L. 110–246, §4(a), title VII, §§7106–7109(c), June 18, 2008, 122 Stat. 1664, 1978, 1979.)

#### REFERENCES IN TEXT

Act of June 29, 1935, referred to in subsec. (h), is act June 29, 1935, ch. 338, 49 Stat. 436, as amended, known as the Bankhead-Jones Act, which was classified principally to sections 329 and 427 to 427j of this title, and was repealed by act Aug. 11, 1966, ch. 790, §2, 69 Stat. 674, except for sections 1, 10, and 22 of the Act, which are classified to sections 427, 427i, and 329 of this title, respectively. For complete classification of this Act to the Code, see Tables.

The Federal Advisory Committee Act, referred to in subsec. (k), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Food and Agriculture Act of 1977, referred to in subsec. (k), is Pub. L. 95–113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

#### CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110–246, §7106(1), inserted “(including the University of the District of Columbia)” after “land-grant colleges and universities” in introductory provisions.

Subsec. (b)(4). Pub. L. 110–246, §7107, substituted “teaching, research, and extension” for “teaching and research”.

Subsec. (d)(2). Pub. L. 110–246, §7106(2), inserted “(including the University of the District of Columbia)” after “universities”.

Subsec. (i). Pub. L. 110–246, §7108(1), substituted “Teaching, Extension, and Research Awards” for “Teaching Awards” in heading.

Subsec. (i)(1). Pub. L. 110–246, §7108(2), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Secretary shall establish a National Food and Agricultural Sciences Teaching Awards program to recognize and promote excellence in teaching food and agricultural sciences at a college or university. The Secretary shall make at least one cash award in each fiscal year to a nominee selected by the Secretary for excellence in teaching a food and agricultural science at a college or university.”

Subsec. (j). Pub. L. 110–246, §7109(a)(1), substituted “Secondary education, 2-year postsecondary education, and agriculture in the K–12 classroom” for “Secondary education and 2-year postsecondary education teaching programs” in heading.

Subsec. (j)(3). Pub. L. 110–246, §7109(a)(2)(A), substituted “secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations” for “secondary schools, and institutions of higher education that award an associate's degree” in introductory provisions.

Subsec. (j)(3)(G). Pub. L. 110-246, §7109(a)(2)(B)-(D), added subpar. (G).

Subsec. (l). Pub. L. 110-246, §7109(b)(2), added subsec. (l). Former subsec. (l) redesignated (m).

Subsec. (m). Pub. L. 110-246, §7109(b)(1), (c), redesignated subsec. (l) as (m) and substituted "2012" for "2007".

2002—Subsec. (a). Pub. L. 107-171, §7102(1), struck out "and" after "home economics," and inserted ", and rural economic, community, and business development" before period at end.

Subsec. (b)(1), (2). Pub. L. 107-171, §7102(2)(A), (B), inserted ", or in rural economic, community, and business development" before semicolon.

Subsec. (b)(3). Pub. L. 107-171, §7102(2)(C), inserted ", or teaching programs emphasizing rural economic, community, and business development" before semicolon.

Subsec. (b)(4). Pub. L. 107-171, §7102(2)(D), inserted ", or programs emphasizing rural economic, community, and business development," after "agricultural programs".

Subsec. (b)(5). Pub. L. 107-171, §7102(2)(E), inserted ", or professionals in rural economic, community, and business development" before semicolon.

Subsec. (d)(1). Pub. L. 107-171, §7102(3)(A), inserted ", or in rural economic, community, and business development," after "food and agricultural sciences".

Subsec. (d)(2). Pub. L. 107-171, §7102(3)(B), inserted ", or in the rural economic, community, and business development workforce," after "food and agricultural sciences workforce".

Subsec. (j)(1)(B). Pub. L. 107-110 substituted "7801" for "8801(25)".

Subsec. (l). Pub. L. 107-171, §7102(4), substituted "2007" for "2002".

1998—Subsecs. (c), (d). Pub. L. 105-185, §223(1), (2), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 105-185, §223(3), added subsec. (e). Former subsec. (e) redesignated (g).

Subsecs. (f) to (i). Pub. L. 105-185, §223(1), redesignated subsecs. (d) to (g) as (f) to (i), respectively. Former subsecs. (h) and (i) redesignated (j) and (k), respectively.

Subsec. (j). Pub. L. 105-185, §223(1), redesignated subsec. (h) as (j). Former subsec. (j) redesignated (l).

Subsec. (j)(1)(A). Pub. L. 105-244 substituted "section 1001 of title 20" for "section 1141(a) of title 20".

Subsec. (k). Pub. L. 105-185, §223(1), redesignated subsec. (i) as (k).

Subsec. (l). Pub. L. 105-185, §301(a)(1), substituted "2002" for "1997".

Pub. L. 105-185, §223(1), redesignated subsec. (j) as (l).

1996—Subsec. (b)(4). Pub. L. 104-127, §805(a), added par. (4) and struck out former par. (4) which read as follows: "to design and implement innovative food and agricultural educational programs:".

Subsec. (c)(3). Pub. L. 104-127, §805(b), added par. (3).

Subsec. (h). Pub. L. 104-127, §805(d)(2), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 104-127, §805(d)(1), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Pub. L. 104-127, §805(c), substituted "1997" for "1995".

Subsec. (j). Pub. L. 104-127, §805(d)(1), redesignated subsec. (i) as (j).

1991—Subsec. (i). Pub. L. 102-237 struck out at end "Of amounts appropriated to carry out this section for a fiscal year, not less than \$10,000,000 shall be used for the national needs graduate fellowship program referred to in subsection (b)(6) of this section."

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions which established grant categories for promotion and development of higher education in food and agricultural sciences, provided for program of predoctoral and postdoctoral fellowships in food and agricultural sciences, provided for transfer of funds, functions and duties to Secretary of Agriculture, authorized appropriations to carry out the section, and provided for nonapplicability of cer-

tain Federal laws to any panel or board created to review applications submitted under the section.

1985—Subsec. (a)(2). Pub. L. 99-198, §1412(a)(1), substituted "Each" for "Such grants shall be made without regard to matching funds, but each".

Subsec. (a)(3). Pub. L. 99-198, §1412(a)(2), substituted "Each recipient institution shall have a significant ongoing commitment to the food and agricultural sciences generally and to the specific subject area for which such grant is to be used." for "Such grants shall be made without regard to matching funds provided by recipients."

Subsec. (d). Pub. L. 99-198, §1412(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "There are hereby authorized to be appropriated for the purposes of carrying out the provisions of this section \$25,000,000 for the fiscal year ending September 30, 1978, \$30,000,000 for the fiscal year ending September 30, 1979, \$35,000,000 for the fiscal year ending September 30, 1980, \$40,000,000 for the fiscal year ending September 30, 1981, and \$50,000,000 for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year."

Subsec. (e). Pub. L. 99-198, §1412(c), added subsec. (e).

1981—Subsec. (a). Pub. L. 97-98, §1418(a), substituted provisions authorizing the Secretary to promote and develop higher education in the food and agricultural science by formulating and administering higher education programs, to make grants to land-grant colleges and universities and other institutions capable of teaching food and agricultural education for specified purposes for a period not to exceed five years without regard to matching funds and to make competitive grants to colleges and universities to develop or administer programs to meet unique food and agricultural educational problems, and to administer and conduct specialized programs and graduate fellowship programs for a period not to exceed five years without regard to matching funds for provisions relating to competitive grants to all colleges and universities for the purpose of furthering education in the food and agricultural sciences in two specified categories.

Subsec. (c). Pub. L. 97-98 inserted provisions relating to the transfer to the Secretary of all the functions and duties of the Secretary of Education under the act of June 29, 1935, applicable to the activities and programs for which funds are made available under section 329 of this title.

Subsec. (d). Pub. L. 97-98, §1418(c), inserted provisions relating to the authorization of appropriations for fiscal years ending Sept. 30, 1983, Sept. 30, 1984, and Sept. 30, 1985.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Pub. L. 110-234, title VII, §7109(d), May 22, 2008, 122 Stat. 1218, and Pub. L. 110-246, §4(a), title VII, §7109(d), June 18, 2008, 122 Stat. 1664, 1979, provided that: "The amendments made by subsection (a) [amending this section] take effect on October 1, 2008."

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3153. National Agricultural Science Award****(a) Establishment**

The Secretary shall establish the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences, including the social sciences. Two such awards, one for each of the categories described in subsection (d) of this section, shall be made in each fiscal year.

**(b) Amount and term**

The awards shall not exceed \$50,000 per year for a period of not to exceed three years to support research or study by the recipient.

**(c) Eligibility**

The awards shall be open to persons in agricultural research, extension, teaching, or any combination thereof.

**(d) Categories**

Awards under this section shall be made in each fiscal year in two categories as follows:

- (1) to a scientist in recognition of outstanding contributions to the advancement of the food and agricultural sciences; and
- (2) to a research scientist in early career development or a graduate student, in recognition of demonstrated capability and promise of significant future achievement in the food and agricultural sciences.

**(e) Nominating and selection committees**

The Secretary may establish such nominating and selection committees, to consist of scientists and others, to receive nominations and make recommendations for awards under this section, as the Secretary deems appropriate.

(Pub. L. 95-113, title XIV, §1418, Sept. 29, 1977, 91 Stat. 997; Pub. L. 97-98, title XIV, §1420(a), Dec. 22, 1981, 95 Stat. 1306.)

## AMENDMENTS

1981—Subsec. (a). Pub. L. 97-98, §1420(a)(2), substituted “Science Award” for “Research Award”, and “subsection (d)” for “subsection (c)”.

Subsecs. (c) to (e). Pub. L. 97-98, §1420(a)(3), (4), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3154. Repealed. Pub. L. 110-234, title VII, § 7110(a), May 22, 2008, 122 Stat. 1218, and Pub. L. 110-246, § 4(a), title VII, § 7110(a), June 18, 2008, 122 Stat. 1664, 1980**

Section, Pub. L. 95-113, title XIV, §1419, Sept. 29, 1977, 91 Stat. 997; Pub. L. 96-294, title II, §252, June 30, 1980,

94 Stat. 705; Pub. L. 97-98, title XIV, §1422, Dec. 22, 1981, 95 Stat. 1306; Pub. L. 101-624, title XVI, §1609(a), Nov. 28, 1990, 104 Stat. 3718; Pub. L. 102-237, title IV, § 402(7), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, § 806, Apr. 4, 1996, 110 Stat. 1162; Pub. L. 105-185, title III, §301(a)(2), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §§7134, 7209(b), May 13, 2002, 116 Stat. 436, 445, related to grants for research on production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3155. Policy research centers****(a) In general**

Consistent with this section, the Secretary may make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with, policy research centers described in subsection (b) of this section to conduct research and education programs that are objective, operationally independent, and external to the Federal Government and that concern the effect of public policies and trade agreements on—

- (1) the farm and agricultural sectors (including commodities, livestock, dairy, and specialty crops);
- (2) the environment;
- (3) rural families, households, and economies; and
- (4) consumers, food, and nutrition.

**(b) Eligible recipients**

State agricultural experiment stations, colleges and universities, other research institutions and organizations (including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center), private organizations, corporations, and individuals shall be eligible to apply for funding under subsection (a) of this section.

**(c) Activities**

Under this section, funding may be provided for disciplinary and interdisciplinary research and education concerning policy research activities consistent with this section, including activities that—

- (1) quantify the implications of public policies and regulations;
- (2) develop theoretical and research methods;
- (3) collect, analyze, and disseminate data for policymakers, analysts, and individuals; and
- (4) develop programs to train analysts.

**(d) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2012.

(Pub. L. 95–113, title XIV, §1419A, as added Pub. L. 104–127, title VIII, §807, Apr. 4, 1996, 110 Stat. 1162; amended Pub. L. 105–185, title II, §224, title III, §301(a)(3), June 23, 1998, 112 Stat. 540, 562; Pub. L. 107–171, title VII, §§7103, 7216, May 13, 2002, 116 Stat. 432, 449; Pub. L. 110–234, title VII, §7111, May 22, 2008, 122 Stat. 1219; Pub. L. 110–246, §4(a), title VII, §7111, June 18, 2008, 122 Stat. 1664, 1980.)

#### CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

#### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–246, §7111(1), inserted “(including commodities, livestock, dairy, and specialty crops)” after “agricultural sectors”.

Subsec. (b). Pub. L. 110–246, §7111(2), inserted “(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)” after “research institutions and organizations”.

Subsec. (d). Pub. L. 110–246, §7111(3), substituted “2012” for “2007”.

2002—Subsec. (c)(3). Pub. L. 107–171, §7216, substituted “collect, analyze, and disseminate data” for “collect and analyze data”.

Subsec. (d). Pub. L. 107–171, §7103, substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105–185, §224, inserted “and trade agreements” after “public policies” in introductory provisions.

Subsec. (d). Pub. L. 105–185, §301(a)(3), substituted “each of fiscal years 1996 through 2002” for “fiscal years 1996 and 1997”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

### § 3156. Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions

#### (a) Education grants program for Alaska Native serving institutions

##### (1) Grant authority

The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Alaska Native serving institutions for the purpose of promoting and strengthening the ability of Alaska Native serving institutions to carry out education, applied research, and related community development programs.

##### (2) Use of grant funds

Grants made under this section shall be used—

(A) to support the activities of consortia of Alaska Native serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to

identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level including by village elders and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Alaska Native serving institutions, or between Alaska Native serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

#### (3) Authorization of appropriations

There are authorized to be appropriated to make grants under this subsection \$10,000,000 in fiscal years 2001 through 2012.

#### (b) Education grants program for Native Hawaiian serving institutions

##### (1) Grant authority

The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Native Hawaiian serving institutions for the purpose of promoting and strengthening the ability of Native Hawaiian serving institutions to carry out education, applied research, and related community development programs.

##### (2) Use of grant funds

Grants made under this section shall be used—

(A) to support the activities of consortia of Native Hawaiian serving institutions to enhance educational equity for under represented students, including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Native Hawaiian serving institutions, or between Native Hawaiian

serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

### (3) Authorization of appropriations

There are authorized to be appropriated to make grants under this subsection \$10,000,000 for each of fiscal years 2001 through 2012.

(Pub. L. 95-113, title XIV, §1419B, formerly Pub. L. 106-78, title VII, §759, Oct. 22, 1999, 113 Stat. 1172; renumbered Pub. L. 95-113, §1419B, and amended Pub. L. 110-234, title VII, §7112, May 22, 2008, 122 Stat. 1219, and Pub. L. 110-246, §4(a), title VII, §7112, June 18, 2008, 122 Stat. 1664, 1980.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 both renumbered this section as section 1419B of Pub. L. 95-113 and made identical amendments to this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was formerly classified to section 3242 of this title.

#### AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-246, §7112(1)(A), substituted “2012” for “2006”.

Subsec. (b)(2)(A). Pub. L. 110-246, §7112(1)(B)(i), inserted “, including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section” before semicolon at end.

Subsec. (b)(3). Pub. L. 110-246, §7112(1)(B)(ii), substituted “2012” for “2006”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

## SUBCHAPTER IV—NATIONAL FOOD AND HUMAN NUTRITION RESEARCH AND EXTENSION PROGRAM

### § 3171. Congressional findings and declaration of policy

#### (a) Findings

Congress finds that there is increasing evidence of a relationship between diet and many of the leading causes of death in the United States: that improved nutrition is an integral component of preventive health care; that there is a serious need for research on the chronic effects of diet on degenerative diseases and related disorders; that nutrition and health considerations are important to United States agricultural policy; that there is insufficient knowledge concerning precise human nutritional requirements, the interaction of the various nutritional constituents of food, and differences in nutritional requirements among different population groups such as infants, children, adolescents, elderly men and women, and pregnant women; and that there is a critical need for objective data concerning food safety, the potential of food enrichment, and means to encourage better nutritional practices.

#### (b) Declaration of policy

It is declared to be the policy of the United States that the Department of Agriculture con-

duct research in the fields of human nutrition and the nutritive value of foods and conduct human nutrition education activities, as provided in this subchapter.

(Pub. L. 95-113, title XIV, §1421, Sept. 29, 1977, 91 Stat. 999.)

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

#### NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM

Pub. L. 107-171, title IV, §4403, May 13, 2002, 116 Stat. 334, as amended by Pub. L. 110-234, title IV, §4406(c)(2), May 22, 2008, 122 Stat. 1142; Pub. L. 110-246, §4(a), title IV, §4406(c)(2), June 18, 2008, 122 Stat. 1664, 1903, provided that:

“(a) ESTABLISHMENT.—The Secretary of Agriculture may establish, in not more than 5 States, for a period not to exceed 4 years for each participating State, a pilot program to increase the domestic consumption of fresh fruits and vegetables.

“(b) PURPOSE.—

“(1) IN GENERAL.—Subject to paragraph (2), the purpose of the program shall be to provide funds to States solely for the purpose of assisting eligible public and private sector entities with cost-share assistance to carry out demonstration projects—

“(A) to increase fruit and vegetable consumption; and

“(B) to convey related health promotion messages.

“(2) LIMITATION.—Funds made available to a State under the program shall not be used to disparage any agricultural commodity.

“(c) SELECTION OF STATES.—

“(1) IN GENERAL.—In selecting States to participate in the program, the Secretary shall take into consideration, with respect to projects and activities proposed to be carried out under the program—

“(A) experience in carrying out similar projects or activities;

“(B) innovative approaches; and

“(C) the ability of the State to promote and track increases in levels of fruit and vegetable consumption.

“(2) ENHANCEMENT OF EXISTING STATE PROGRAMS.—The Secretary may use the pilot program to enhance existing State programs that are consistent with the purpose of the pilot program specified in subsection (b).

“(d) ELIGIBLE PUBLIC AND PRIVATE SECTOR ENTITIES.—

“(1) IN GENERAL.—A participating State shall establish eligibility criteria under which the State may select public and private sector entities to carry out demonstration projects under the program.

“(2) LIMITATION.—No funds made available to States under the program shall be provided by a State to any foreign for-profit corporation.

“(e) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds provided under this section shall be 50 percent.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2002 through 2012.”

### § 3172. Duties of Secretary of Agriculture

In order to carry out the policy of this subchapter, the Secretary shall develop and implement a national food and human nutrition research and extension program that shall include, but not be limited to—

(1) research on human nutritional requirements;

(2) research on the nutrient composition of foods and the effects of agricultural practices,

handling, food processing, and cooking on the nutrients they contain;

(3) surveillance of the nutritional benefits provided to participants in the food programs administered by the Department of Agriculture;

(4) research on the factors affecting food preference and habits; and

(5) the development of techniques and equipment to assist consumers in the home or in institutions in selecting food that supplies a nutritionally adequate diet.

(Pub. L. 95-113, title XIV, §1422, Sept. 29, 1977, 91 Stat. 999.)

### § 3173. Research by Department of Agriculture

#### (a) Increase in level of support

The Secretary shall establish research into food and human nutrition as a separate and distinct mission of the Department of Agriculture, and the Secretary shall increase support for such research to a level that provides resources adequate to meet the policy of this subchapter.

#### (b) Periodic consultation with administrators of other Federal departments and agencies

The Secretary, in administering the food and human nutrition research program, shall periodically consult with the administrators of the other Federal departments and agencies that have responsibility for programs dealing with human food and nutrition, as to the specific research needs of those departments and agencies.

(Pub. L. 95-113, title XIV, §1423, Sept. 29, 1977, 91 Stat. 999.)

NATIONAL FOOD AND HUMAN NUTRITION RESEARCH PROGRAM; CONGRESSIONAL FINDINGS; COMPREHENSIVE PLAN; ANNUAL REPORT; JOINT DIETARY ASSESSMENT, STUDIES AND REPORTS; SUBMISSION OF PLAN AND REPORTS TO CONGRESSIONAL COMMITTEES

Pub. L. 99-198, title XIV, subtitle B, §§1451-1453, Dec. 23, 1985, 99 Stat. 1561, 1562, as amended by Pub. L. 104-127, title VIII, §872, Apr. 4, 1996, 110 Stat. 1175, provided that:

#### “FINDINGS

“SEC. 1451. Congress finds that—

“(1) nutrition and health considerations are important to United States agricultural policy;

“(2) section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) designates the Department of Agriculture as the lead agency of the Federal Government for human nutrition research (except with respect to the biomedical aspects of human nutrition concerned with diagnosis or treatment of disease);

“(3) section 1423 of such Act (7 U.S.C. 3173) requires the Secretary of Agriculture to establish research into food and human nutrition as a separate and distinct mission of the Department of Agriculture;

“(4) the Secretary has established a nutrition education program; and

“(5) nutrition research continues to be of great importance to those involved in agricultural production.

“[SEC. 1452. Repealed. Pub. L. 104-127, title VIII, §872, Apr. 4, 1996, 110 Stat. 1175.]

#### “DIETARY ASSESSMENT AND STUDIES

“SEC. 1453. (a) The Secretary of Agriculture and the Secretary of Health and Human Services shall jointly conduct an assessment of existing scientific literature and research relating to—

“(1) the relationship between dietary cholesterol and blood cholesterol and human health and nutrition; and

“(2) dietary calcium and its importance in human health and nutrition.

In conducting the assessments under this subsection, the Secretaries shall consult with agencies of the Federal Government involved in related research. On completion of such assessments, the Secretaries shall each recommend such further studies as the Secretaries consider useful.

“(b) Not later than 1 year after the date of enactment of this Act [Dec. 23, 1985], the Secretary of Agriculture and the Secretary of Health and Human Services shall each submit to the House Committees on Agriculture and Energy and Commerce and the Senate Committees on Agriculture, Nutrition, and Forestry and Labor and Human Resources a report that shall include the results of the assessments conducted under subsection (a) and recommendations made under such subsection, for more complete studies of the issues examined under such subsection, including a protocol, feasibility assessment, budget estimates and a timetable for such research as each Secretary shall consider appropriate.”

### § 3174. Human nutrition intervention and health promotion research program

#### (a) Authority of Secretary

The Secretary may establish, and award grants for projects for, a multi-year research initiative on human nutrition intervention and health promotion.

#### (b) Emphasis of initiative

In administering human nutrition research projects under this section, the Secretary shall give specific emphasis to—

(1) coordinated longitudinal research assessments of nutritional status;

(2) the implementation of unified, innovative intervention strategies; and

(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;

to identify and solve problems of nutritional inadequacy and contribute to the maintenance of health, well-being, performance, and productivity of individuals, thereby reducing the need of the individuals to use the health care system and social programs of the United States.

#### (c) Administration of funds

The Administrator of the Agricultural Research Service shall administer funds made available to carry out this section to ensure a coordinated approach to health and nutrition research efforts.

#### (d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2012.

(Pub. L. 95-113, title XIV, §1424, as added Pub. L. 104-127, title VIII, §808, Apr. 4, 1996, 110 Stat. 1162; amended Pub. L. 105-185, title III, §301(a)(4), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7104, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§7113, 7114, May 22, 2008, 122 Stat. 1219; Pub. L. 110-246, §4(a), title VII, §§7113, 7114, June 18, 2008, 122 Stat. 1664, 1980, 1981.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 3174, Pub. L. 95-113, title XIV, §1424, as added Pub. L. 101-624, title XVI, §1610(a), Nov. 28, 1990, 104 Stat. 3719, provided for establishment of food science and nutrition research center for Southeast region of United States prior to repeal by Pub. L. 104-127, title VIII, §808, Apr. 4, 1996, 110 Stat. 1162.

Another prior section 3174, Pub. L. 95-113, title XIV, §1424, Sept. 29, 1977, 91 Stat. 1000, provided for a study assessing potential value and cost of establishing regional food and human nutrition research centers and a report thereon, with findings and recommendations, to be submitted to the Congress not later than one year after Oct. 1, 1977, prior to repeal by Pub. L. 99-198, title XIV, §1413, Dec. 23, 1985, 99 Stat. 1549.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-246, §7113(1), which directed amendment of par. (1) by striking out “and,” at end, was executed by striking out “and” at end to reflect the probable intent of Congress.

Subsec. (b)(2). Pub. L. 110-246, §7113(2), substituted “; and” for comma at end.

Subsec. (b)(3). Pub. L. 110-246, §7113(3), added par. (3).  
Subsec. (d). Pub. L. 110-246, §7114, substituted “2012” for “2007”.

2002—Subsec. (d). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (d). Pub. L. 105-185 substituted “each of fiscal years 1996 through 2002” for “fiscal years 1996 and 1997”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3174a. Pilot research program to combine medical and agricultural research

#### (a) Findings

Congress finds the following:

(1) Although medical researchers in recent years have demonstrated that there are several naturally occurring compounds in many vegetables and fruits that can aid in the prevention of certain forms of cancer, coronary heart disease, stroke, and atherosclerosis, there has been almost no research conducted to enhance these compounds in food plants by modern breeding and molecular genetic methods.

(2) By linking the appropriate medical and agricultural research scientists in a highly-focused, targeted research program, it should be possible to develop new varieties of vegetables and fruits that would provide greater prevention of diet-related diseases that are a major cause of death in the United States.

#### (b) Pilot research program

The Secretary shall conduct, through the Cooperative State Research, Education, and Extension Service, a pilot research program to link major cancer and heart and other circulatory disease research efforts with agricultural research efforts to identify compounds in vegetables and fruits that prevent these diseases. Using information derived from such combined research efforts, the Secretary shall assist in the development of new varieties of vegetables

and fruits having enhanced therapeutic properties for disease prevention.

#### (c) Agreements

The Secretary shall carry out the pilot program through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, non-profit organizations with demonstrable expertise, or Federal or State governmental entities. The Secretary shall enter into the agreements on a competitive basis.

#### (d) Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of fiscal years 1997 through 2012 to carry out the pilot program.

(Pub. L. 95-113, title XIV, §1424A, as added Pub. L. 104-127, title VIII, §808, Apr. 4, 1996, 110 Stat. 1163; amended Pub. L. 105-185, title III, §301(a)(5), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7105, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§7115, 7511(c)(10)(A), May 22, 2008, 122 Stat. 1220, 1268; Pub. L. 110-246, §4(a), title VII, §§7115, 7511(c)(10)(A), June 18, 2008, 122 Stat. 1664, 1981, 2029.)

#### AMENDMENT OF SUBSECTION (b)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effective Oct. 1, 2009, subsection (b) of this section is amended by substituting “the National Institute of Food and Agriculture” for “the Cooperative State Research, Education, and Extension Service”.*

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (d). Pub. L. 110-246, §7115, substituted “2012” for “2007”.

2002—Subsec. (d). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (d). Pub. L. 105-185 substituted “each of fiscal years 1997 through 2002” for “fiscal year 1997”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(10)(A) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

### § 3175. Nutrition education program

#### (a) Definition of 1862 Institution and 1890 Institution

In this section, the terms “1862 Institution” and “1890 Institution” have the meaning given those terms in section 7601 of this title.

#### (b) Establishment

The Secretary shall establish a national education program which shall include, but not be

limited to, the dissemination of the results of food and human nutrition research performed or funded by the Department of Agriculture.

**(c) Employment and training**

To enable low-income individuals and families to engage in nutritionally sound food purchasing and preparation practices, the expanded food and nutrition education program presently conducted under section 343(d) of this title, shall provide for the employment and training of professional and paraprofessional aides to engage in direct nutrition education of low-income families and in other appropriate nutrition education programs. To the maximum extent practicable, program aides shall be hired from the indigenous target population.

**(d) Allocation of funding**

Beginning with the fiscal year ending September 30, 1982—

(1) Any funds annually appropriated under section 343(d) of this title, for the conduct of the expanded food and nutrition education program, up to the amount appropriated under such section for such program for the fiscal year ending September 30, 1981, shall be allocated to each State in the same proportion as funds appropriated under such section for the conduct of the program for the fiscal year ending September 30, 1981, are allocated among the States; with the exception that the Secretary may retain up to 2 per centum of such amount for the conduct of such program in States that did not participate in such program in the fiscal year ending September 30, 1981.

(2) Any funds appropriated annually under section 343(d) of this title, for the conduct of the expanded food and nutrition education program in excess of the amount appropriated under such section for the conduct of the program for the fiscal year ending September 30, 1981, shall be allocated as follows:

(A) 4 per centum shall be available to the Secretary for administrative, technical, and other services necessary for the administration of the program.

(B) Notwithstanding section 343(d) of this title, the remainder shall be allocated among the States as follows:

(i) \$100,000 shall be distributed to each 1862 Institution and 1890 Institution.

(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 9902(2) of title 42) in the State; bears to

(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for

which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

(aa) 10 percent for fiscal year 2009.

(bb) 11 percent for fiscal year 2010.

(cc) 12 percent for fiscal year 2011.

(dd) 13 percent for fiscal year 2012.

(ee) 14 percent for fiscal year 2013.

(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 9902(2) of title 42) in the State in which the 1890 Institution is located; bears to

(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

(iv) Nothing in this subparagraph precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subparagraph.

**(e) Complementary administration**

The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

**(f) Authorization of appropriations**

There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 343(d) of this title and this section \$90,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 95-113, title XIV, §1425, Sept. 29, 1977, 91 Stat. 1000; Pub. L. 97-98, title XIV, §1423, Dec. 22, 1981, 95 Stat. 1307; Pub. L. 101-624, title XVII, §1776(b), Nov. 28, 1990, 104 Stat. 3814; Pub. L. 104-127, title VIII, §809, Apr. 4, 1996, 110 Stat. 1164; Pub. L. 105-185, title III, §301(a)(6), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7106, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §7116(a), May 22, 2008, 122 Stat. 1220; Pub. L. 110-246, §4(a), title VII, §7116(a), June 18, 2008, 122 Stat. 1664, 1981.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Pub. L. 110-246, §7116(a)(2), reenacted section catchline without change.

Subsecs. (a) to (d). Pub. L. 110-246, §7116(a)(1)–(5)(A), added subsec. (a), redesignated former subsecs. (a) to (c) as (b) to (d), respectively, inserted headings, and in subsec. (c) substituted “To enable” for “In order to enable”.

Subsec. (d)(2)(B). Pub. L. 110-246, §7116(a)(5)(B), added subpar. (B) and struck out former subpar. (B) which related to allocation of funds other than for administrative or technical purposes, 10 percent of which was to be distributed equally among all States, and the remainder was to be allocated to each State in an amount bearing the same ratio to the total amount to be allocated as the population of the State living at or below 125 percent of income poverty guidelines bore to the total population of all the States living at or below 125 percent of such guidelines.

Subsec. (d)(3). Pub. L. 110-246, §7116(a)(5)(C), struck out par. (3) which read as follows: “There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 343(d) of this title and this section, \$83,000,000 for each of fiscal years 1996 through 2007.”

Subsecs. (e), (f). Pub. L. 110-246, §7116(a)(6), added subsecs. (e) and (f).

2002—Subsec. (c)(3). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (c)(3). Pub. L. 105-185 substituted “through 2002” for “and 1997”.

1996—Subsec. (c)(3). Pub. L. 104-127 substituted “, \$83,000,000 for each of fiscal years 1996 and 1997” for “\$63,000,000 for fiscal year 1991, \$68,000,000 for fiscal year 1992, \$73,000,000 for fiscal year 1993, \$78,000,000 for fiscal year 1994, and \$83,000,000 for fiscal year 1995”.

1990—Subsec. (c)(3). Pub. L. 101-624 added par. (3).

1981—Subsec. (b). Pub. L. 97-98 substantially retained existing provisions of the subsection relating to expanded food and nutrition education programs and transferred remaining provisions relating to allocation of funds to States and the authority of the Secretary to develop educational materials and programs for persons in certain income ranges to a new subsec. (c).

Subsec. (c). Pub. L. 97-98 added subsec. (c), and included therein provisions relating to allocation of funds to States and the authority of the Secretary to develop educational materials and programs for persons in certain income ranges formerly contained in subsec. (b).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Pub. L. 110-234, title VII, §7116(c), May 22, 2008, 122 Stat. 1221, and Pub. L. 110-246, §4(a), title VII, §7116(c), June 18, 2008, 122 Stat. 1664, 1982, provided that: “The amendments made by this section [amending this section and section 3175e of this title] take effect on October 1, 2008.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective Oct. 1, 1990, see section 1781(b)(1) of Pub. L. 101-624, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

### § 3175a. Nutrition and consumer education; Congressional findings

Congress finds that individuals in households eligible to participate in programs under the

Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.] and other low-income individuals, including those residing in rural areas, should have greater access to nutrition and consumer education to enable them to use their food budgets, including food assistance, effectively and to select and prepare foods that satisfy their nutritional needs and improve their diets.

(Pub. L. 99-198, title XV, §1584, Dec. 23, 1985, 99 Stat. 1596.)

#### REFERENCES IN TEXT

The Food Stamp Act of 1977, referred to in text, subsequently renamed the Food and Nutrition Act of 2008, is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

### § 3175b. Expansion of effective food, nutrition, and consumer education services

The purpose of the program provided for under sections 3175a through 3175e of this title is to expand effective food, nutrition, and consumer education services to the greatest practicable number of low-income individuals, including those participating in or eligible to participate in the programs under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.], to assist them to—

- (1) increase their ability to manage their food budgets, including food stamps and other food assistance;
- (2) increase their ability to buy food that satisfies nutritional needs and promotes good health; and
- (3) improve their food preparation, storage, safety, preservation, and sanitation practices.

(Pub. L. 99-198, title XV, §1585, Dec. 23, 1985, 99 Stat. 1596.)

#### REFERENCES IN TEXT

The Food Stamp Act of 1977, referred to in text, subsequently renamed the Food and Nutrition Act of 2008, is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

### § 3175c. Program of food, nutrition, and consumer education by State cooperative extension services

The cooperative extension services of the States shall, with funds made available under this subtitle, carry out an expanded program of food, nutrition, and consumer education for low-income individuals in a manner designed to achieve the purpose set forth in section 3175b of this title. In operating the program, the cooper-

ative extension services may use the expanded food and nutrition education program, and other food, nutrition, and consumer education activities of the cooperative extension services or similar activities carried out by them in collaboration with other public or private non-profit agencies or organizations. In carrying out their responsibilities under the program, the cooperative extension services are encouraged to—

- (1) provide effective and meaningful food, nutrition, and consumer education services to as many low-income individuals as possible;
- (2) employ educational methodologies, including innovative approaches, that accomplish the purpose set forth in section 3175b of this title; and
- (3) to the extent practicable, coordinate activities carried out under the program with the delivery to low-income individuals of benefits under food assistance programs.

(Pub. L. 99-198, title XV, §1586, Dec. 23, 1985, 99 Stat. 1596.)

## REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle C (§§1581-1589) of title XV of Pub. L. 99-198 which is classified as follows: sections 1581 and 1582 are not classified to the Code; section 1583 is set out as a note under section 2011 of this title; sections 1584 through 1588 are classified, respectively, to sections 3175a to 3175e of this title; and section 1589 is classified to section 3178a of this title.

## CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

**§ 3175d. Administration of program of food, nutrition, and consumer education by State cooperative extension services**

**(a) Administration by Secretary of Agriculture**

The program provided for under section 3175c of this title shall be administered by the Secretary of Agriculture through the Extension Service, in consultation with the Food and Nutrition Service and the Human Nutrition Information Service. The Secretary shall ensure that the Extension Service coordinates activities carried out under this subtitle with the ongoing food, nutrition, and consumer education activities of other agencies of the Department of Agriculture.

**(b) Evaluation and report**

The Secretary of Agriculture, not later than April 1, 1989, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the program provided for under section 3175c of this title.

(Pub. L. 99-198, title XV, §1587, Dec. 23, 1985, 99 Stat. 1596; Pub. L. 110-234, title VII, §7511(c)(11), May 22, 2008, 122 Stat. 1268; Pub. L. 110-246, §4(a), title VII, §7511(c)(11), June 18, 2008, 122 Stat. 1664, 2029.)

## AMENDMENT OF SUBSECTION (a)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effec-*

*tive Oct. 1, 2009, subsection (a) of this section is amended by substituting “National Institute of Food and Agriculture” for “Extension Service” each place it appears.*

## REFERENCES IN TEXT

This subtitle, referred to in subsec. (a), is subtitle C (§§1581-1589) of title XV of Pub. L. 99-198, which is classified as follows: sections 1581 and 1582 are not classified to the Code; section 1583 is set out as a note under section 2011 of this title; sections 1584 through 1588 are classified, respectively, to sections 3175a to 3175e of this title; and section 1589 is classified to section 3178a of this title.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(11) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 3175e. Authorization of appropriations**

(a) There are hereby authorized to be appropriated to carry out sections 3175a through 3175e of this title \$8,000,000 for each of the fiscal years 1991 through 1995.

(b) Any funds appropriated under this section for a fiscal year shall be allocated in the manner specified in subparagraphs (A) and (B) of section 3175(d)(2) of this title.

(c) Any funds appropriated to carry out sections 3175a through 3175e of this title shall supplement any other funds appropriated to the Department of Agriculture for use by the Department and the cooperative extension services of the States for food, nutrition, and consumer education for low-income households.

(Pub. L. 99-198, title XV, §1588, Dec. 23, 1985, 99 Stat. 1597; Pub. L. 101-624, title XVII, §1776(a), Nov. 28, 1990, 104 Stat. 3814; Pub. L. 110-234, title VII, §7116(b), May 22, 2008, 122 Stat. 1221; Pub. L. 110-246, §4(a), title VII, §7116(b), June 18, 2008, 122 Stat. 1664, 1982.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

## AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, §7116(b), substituted “section 3175(d)(2)” for “section 3175(c)(2)”.

1990—Subsec. (a). Pub. L. 101-624 substituted “\$8,000,000 for each of the fiscal years 1991 through

1995.” for “\$5,000,000 for the fiscal year ending September 30, 1986; \$6,000,000 for the fiscal year ending September 30, 1987; and \$8,000,000 for each of the fiscal years ending September 30, 1988, September 30, 1989, and September 30, 1990.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7116(b) of Pub. L. 110-246 effective Oct. 1, 2008, see section 7116(c) of Pub. L. 110-246, set out as a note under section 3175 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective Oct. 1, 1990, see section 1781(b)(1) of Pub. L. 101-624, set out as a note under section 2012 of this title.

**§ 3176. Repealed. Pub. L. 97-98, title XIV, § 1424(a), Dec. 22, 1981, 95 Stat. 1308**

Section, Pub. L. 95-113, title XIV, §1426, Sept. 29, 1977, 91 Stat. 1000, related to preparation and distribution of a comprehensive set of educational materials on food and nutrition education by Secretary to State departments of education.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3177. Repealed. Pub. L. 99-198, title XIV, § 1413, Dec. 23, 1985, 99 Stat. 1549**

Section, Pub. L. 95-113, title XIV, §1427, Sept. 29, 1977, 91 Stat. 1000; Pub. L. 97-98, title XIV, §1425(a), Dec. 22, 1981, 95 Stat. 1308, required submission to Congress of a plan for a human nutrition research management system.

**§ 3178. Nutritional status monitoring**

**(a) Formulation of system**

The Secretary and the Secretary of Health and Human Services shall formulate and submit to Congress, within ninety days after September 29, 1977, a proposal for a comprehensive nutritional status monitoring system, to include:

(1) an assessment system consisting of periodic surveys and continuous monitoring to determine: the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; and the likely causes of risk and changes in the above risk factors over time;

(2) a surveillance system to identify remediable nutrition-related health risks to individuals or for local areas, in such a manner as to tie detection to direct intervention and treatment. Such system should draw on screening and other information from other health programs, including those funded under titles V, XVIII, and XIX of the Social Security Act [42 U.S.C. 701 et seq., 1395 et seq., and 1396 et seq.] and section 330 of the Public Health Service Act;<sup>1</sup> and

(3) program evaluations to determine the adequacy, efficiency, effectiveness, and side effects of nutrition-related programs in reducing health risks to individuals and populations.

<sup>1</sup> See References in Text note below.

**(b) Coordination of existing activities; recommendation for necessary additional authorities**

The proposal shall provide for coordination of activities under existing authorities and contain recommendations for any additional authorities necessary to achieve a comprehensive monitoring system.

(Pub. L. 95-113, title XIV, § 1428, Sept. 29, 1977, 91 Stat. 1001; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title V of the Social Security Act is classified principally to subchapter V (§701 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.), respectively, of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 330 of the Public Health Service Act, referred to in subsec. (a)(2), is section 330 of act July 1, 1944, which was classified to section 254c of Title 42, The Public Health and Welfare, and was omitted in the general amendment of subpart I (§254b et seq.) of part D of subchapter II of chapter 6A of Title 42 by Pub. L. 104-299, §2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104-299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of Title 42.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

**§ 3178a. Nutrition monitoring**

The Secretary of Agriculture shall—

(1) in conducting the Department of Agriculture’s continuing survey of food intakes of individuals and any nationwide food consumption survey, include a sample that is representative of low-income individuals and, to the extent practicable, the collection of information on food purchases and other household expenditures by such individuals;

(2) to the extent practicable, continue to maintain the nutrient data base established by the Department of Agriculture; and

(3) encourage research by public and private entities relating to effective standards, methodologies, and technologies for accurate assessment of the nutritional and dietary status of individuals.

(Pub. L. 99-198, title XV, §1589, Dec. 23, 1985, 99 Stat. 1597.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

SUBCHAPTER V—ANIMAL HEALTH AND DISEASE RESEARCH

**§ 3191. Purposes and findings relating to animal health and disease research**

**(a) Purposes**

The purposes of this subchapter are to—

(1) promote the general welfare through the improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals that are essential to the food supply of the United States and the welfare of producers and consumers of animal products;

(2) improve the health of horses;

(3) facilitate the effective treatment of, and, to the extent possible, prevent animal and poultry diseases in both domesticated and wild animals that, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the food supply of the United States;

(4) improve methods for the control of organisms and residues in food products of animal origin that could endanger the human food supply;

(5) improve the housing and management of animals to improve the well-being of livestock production species;

(6) minimize livestock and poultry losses due to transportation and handling;

(7) protect human health through control of animal diseases transmissible to humans;

(8) improve methods of controlling the births of predators and other animals; and

(9) otherwise promote the general welfare through expanded programs of research and extension to improve animal health.

#### (b) Findings

Congress finds that—

(1) the total animal health and disease research and extension efforts of State colleges and universities and of the Federal Government would be more effective if there were close coordination between the efforts; and

(2) colleges and universities having accredited schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research are especially vital in training research workers in animal health and related disciplines.

(Pub. L. 95-113, title XIV, § 1429, Sept. 29, 1977, 91 Stat. 1001; Pub. L. 97-98, title XIV, § 1426, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 104-127, title VIII, § 810, Apr. 4, 1996, 110 Stat. 1164.)

#### AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions which outlined congressional findings and declaration of purpose of subchapter.

1981—Pub. L. 97-98 substituted “schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research” for “colleges of veterinary medicine or departments of veterinary sciences or animal pathology, and similar units conducting animal health and disease research in the State agricultural experiment stations.”.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

#### STUDIES ON AGRICULTURAL RESEARCH AND TECHNOLOGY

Pub. L. 107-171, title X, § 10907, May 13, 2002, 116 Stat. 538, provided that:

“(a) SCIENTIFIC STUDIES.—

“(1) IN GENERAL.—The Secretary of Agriculture may conduct scientific studies on—

“(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

“(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

“(2) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of any scientific studies conducted under paragraph (1).

“(b) VACCINES.—

“(1) VACCINE STORAGE STUDY.—The Secretary may—

“(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against livestock diseases that could be introduced into the United States; and

“(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

“(2) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary may take such actions as are necessary to obtain the required additional doses of the vaccine.”

#### § 3192. Definitions

When used in this subchapter—

(1) the term “eligible institution” means an accredited school or college of veterinary medicine or a State agricultural experiment station that conducts animal health and disease research;

(2) the term “dean” means the dean of an accredited school or college of veterinary medicine;

(3) the term “director” means the director of a State agricultural experiment station which qualifies as an eligible institution; and

(4) the term “animal health research capacity” means the capacity of an eligible institution to conduct animal health and disease research, as determined by the Secretary.

(Pub. L. 95-113, title XIV, § 1430, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 97-98, title XIV, § 1427, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 105-185, title VI, § 606(d)(1), June 23, 1998, 112 Stat. 604.)

#### AMENDMENTS

1998—Pars. (3) to (5). Pub. L. 105-185 inserted “and” at end of par. (3), redesignated par. (5) as (4), and struck out former par. (4) which read as follows: “the term ‘Board’ means the Animal Health Science Research Advisory Board; and”.

1981—Par. (1). Pub. L. 97-98 substituted “an accredited school or college of veterinary medicine or a State agricultural research experiment station that conducts animal health and disease research” for “any college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology, or a similar unit conducting animal health and disease research in a State agricultural experiment station”.

Par. (2). Pub. L. 97-98 substituted “an accredited school or college of veterinary medicine” for “a college or university which qualifies as an eligible institution”.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3193. Authorization to Secretary of Agriculture****(a) Authority to cooperate with, encourage, and assist States**

In order to carry out the purpose of this subchapter, the Secretary is authorized to cooperate with, encourage, and assist the States in carrying out programs of animal health and disease research at eligible institutions in the manner hereinafter described in this subchapter.

**(b) Study of animal care delivery system**

(1) The Secretary shall commission the National Academy of Sciences, working through the Board on Agriculture of the National Research Council, to conduct a study of the delivery system utilized to provide farmers, including small and limited resource farmers, and ranchers with animal care and veterinary medical services, including animal drugs.

(2) The study required by this subsection shall assess opportunities to—

(A) improve the flow of information to producers regarding animal husbandry practices, and diagnostic and treatment methods, including the costs and conditions necessary for the effective use of such practices and methods;

(B) foster achievement of food safety goals; and

(C) advance the well-being and treatment of farm animals, with particular emphasis on disease prevention strategies.

(3) The study required by this subsection shall include recommendations for changes in research and extension policies or priorities, food safety programs and policies, and policies and procedures governing the approval, use, and monitoring of animal drugs.

(Pub. L. 95-113, title XIV, §1431, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 101-624, title XVI, §1611(a), Nov. 28, 1990, 104 Stat. 3720.)

## AMENDMENTS

1990—Pub. L. 101-624 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**§ 3194. Repealed. Pub. L. 104-127, title VIII, § 854, Apr. 4, 1996, 110 Stat. 1172**

Section, Pub. L. 95-113, title XIV, §1432, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 97-98, title XIV, §1428, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(a), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1611(b), Nov. 28, 1990, 104 Stat. 3721; Pub. L. 102-237, title IV, §402(8), Dec. 13, 1991, 105 Stat. 1863, related to establishment of Animal Health Science Research Advisory Board.

**§ 3195. Continuing animal health and disease research programs****(a) Authorization of appropriations**

There are authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year. Funds appropriated under this section shall be

used: (1) to meet expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the provisions of section 331 of this title; (2) for administrative planning and direction; and (3) to purchase equipment and supplies necessary for conducting such research.

**(b) Apportionment of appropriated funds**

Funds appropriated under subsection (a) of this section for any fiscal year shall be apportioned as follows:

(1) Four per centum shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

(2) Forty-eight per centum shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in each State bears to the total value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in all the States. The Secretary shall determine the total value of and income from domestic livestock, poultry, and commercial aquaculture species in all the States and the proportionate value of and income from domestic livestock, poultry, and commercial aquaculture species for each State, based on the most current inventory of all cattle, sheep, swine, horses, poultry, and commercial aquaculture species published by the Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions.

**(c) Development of program for each State**

In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

**(d) Use of excess funds**

When the amount available under this section for allotment to any State on the basis of domestic livestock, poultry, and commercial aquaculture species values and income exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

**(e) Reallocation of funds to new colleges of veterinary medicine**

Whenever a new college of veterinary medicine is established in a State and is accredited,

the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and, where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to subsection (b) of this section between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

**(f) Joint establishment or support of accredited regional college of veterinary medicine**

Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to subsection (b)(2) of this section available for such college in such amount that reflects the combined relative value of and income from domestic livestock, poultry, and commercial aquaculture species in the cooperating States, such amount to be adjusted, as necessary, pursuant to the provisions of subsections (c) and (e) of this section.

**(g) Cooperation among eligible institutions**

The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.

(Pub. L. 95-113, title XIV, § 1433, Sept. 29, 1977, 91 Stat. 1003; Pub. L. 97-98, title XIV, § 1429, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, § 1414(b), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, § 1601(b)(1), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, § 811, Apr. 4, 1996, 110 Stat. 1165; Pub. L. 105-185, title III, § 301(a)(7), title VI, § 606(d)(2), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, § 7107, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§ 7117, 7118, May 22, 2008, 122 Stat. 1221, 1222; Pub. L. 110-246, § 4(a), title VII, §§ 7117, 7118, June 18, 2008, 122 Stat. 1664, 1983.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7117, substituted “2012” for “2007”.

Subsec. (g). Pub. L. 110-246, § 7118, added subsec. (g).

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, § 301(a)(7), substituted “2002” for “1997” in first sentence.

Subsec. (b)(3). Pub. L. 105-185, § 606(d)(2), struck out “with the advice, when available, of the Board” before period at end of second sentence.

1996—Subsec. (a). Pub. L. 104-127, § 811(1), substituted “1997” for “1995” in first sentence.

Subsec. (b)(2). Pub. L. 104-127, § 811(2), substituted “domestic livestock, poultry, and commercial aquaculture species” for “domestic livestock and poultry” wherever appearing, and “horses, poultry, and commercial aquaculture species” for “horses, and poultry” in second sentence.

Subsecs. (d), (f). Pub. L. 104-127, § 811(3), (4), substituted “domestic livestock, poultry, and commercial

aquaculture species” for “domestic livestock and poultry”.

1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98 substituted “as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$25,000,000 annually, as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3196. Research on national and regional animal health or disease problems**

**(a) Authorization of appropriations**

There are authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being, but not to exceed \$35,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year.

**(b) Duration of grants**

Notwithstanding the provisions of section 3197 of this title, funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to State agricultural experiment stations, colleges and universities (including 1890 Institutions (as defined in section 7601 of this title)), other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

**(c) Establishment of annual priority lists for allocation of funds**

In order to establish a rational allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease, food safety, and animal well-being problems of national or regional significance. Such lists shall be prepared after consultation with the Advisory Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary and the Advisory Board shall consider the following factors:

- (1) any health or disease problem which causes or may cause significant economic

losses to any part of the livestock production industry;

(2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public;

(3) issues of animal well-being related to production methods that will improve the housing and management of animals to improve the well-being of livestock production species;

(4) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and

(5) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

**(d) Assignment of priorities for grants**

Without regard to any consultation under subsection (c) of this section, the Secretary shall, to the extent feasible, award grants on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

**(e) Distribution of multiyear grants**

In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.

**(f) Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act [7 U.S.C. 2281 et seq.] shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subchapter.

(Pub. L. 95-113, title XIV, §1434, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 97-98, title XIV, §1430, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(c), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(b)(2), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §§812, 852(b)(5), Apr. 4, 1996, 110 Stat. 1165, 1171; Pub. L. 105-185, title III, §301(a)(8), title VI, §606(d)(3), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, §7108, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§7119, 7120, May 22, 2008, 122 Stat. 1222; Pub. L. 110-246, §4(a), title VII, §§7119, 7120, June 18, 2008, 122 Stat. 1664, 1983.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Title XVIII of this Act, referred to in subsec. (f), is title XVIII of the Food and Agriculture Act of 1977, Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 1041, as amended, which is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7119, substituted “2012” for “2007”.

Subsec. (b). Pub. L. 110-246, §7120, inserted “(including 1890 Institutions (as defined in section 7601 of this title))” after “universities”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, §301(a)(8), substituted “2002” for “1997”.

Subsec. (c). Pub. L. 105-185, §606(d)(3), struck out “and the Board” after “Advisory Board” in second sentence and substituted “and the Advisory Board” for “, the Advisory Board, and the Board” in fourth sentence.

1996—Subsec. (a). Pub. L. 104-127, §812(1), inserted “or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being,” after “problems,” and substituted “1997” for “1995”.

Subsec. (b). Pub. L. 104-127, §812(2), substituted “State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals” for “eligible institutions”.

Subsec. (c). Pub. L. 104-127, §852(b)(5), in introductory provisions, substituted “after consultation with the Advisory Board” for “after consultation with the Joint Council, the Advisory Board,” and “the Secretary, the Advisory Board,” for “the Secretary, the Joint Council, the Advisory Board,”.

Pub. L. 104-127, §812(3)(A), in introductory provisions, inserted “, food safety, and animal well-being” after “animal health and disease”.

Subsec. (c)(2) to (5). Pub. L. 104-127, §812(3)(B), added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

Subsec. (d). Pub. L. 104-127, §812(4), struck out “to eligible institutions” after “award grants”.

Subsec. (f). Pub. L. 104-127, §812(5), added subsec. (f). 1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990,”.

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98, §1430(a), substituted “as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed \$35,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$15,000,000 annually, as Congress may determine necessary to support research on specific national or regional animal health or disease problems”.

Subsec. (b). Pub. L. 97-98, §1430(b), substituted provisions that funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions for provisions that such funds shall be allocated by the Secretary to eligible institutions for work to be done, as mutually agreed upon between the Secretary and the eligible institution or institutions and that the Secretary shall consult the Board in developing plans for the use of these funds whenever possible.

Subsecs. (c) to (e). Pub. L. 97-98, §1430(c), added subsecs. (c) to (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3197. Availability of appropriated funds**

Funds available for allocation under the terms of this subchapter shall be paid to each State or eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation.

(Pub. L. 95-113, title XIV, § 1435, Sept. 29, 1977, 91 Stat. 1004.)

**§ 3198. Withholding of appropriated funds**

If the Secretary determines that a State is not entitled to receive its allocation of the annual appropriation under section 3195 of this title because of its failure to satisfy requirements of this subchapter or regulations issued under it, the Secretary shall withhold such amount. The facts and reasons concerning the determination and withholding shall be reported to the President; and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

(Pub. L. 95-113, title XIV, § 1436, Sept. 29, 1977, 91 Stat. 1004.)

**§ 3199. Requirements for use of funds**

With respect to research projects on problems of animal health and disease to be performed at eligible institutions and supported with funds allocated to the States under section 3195 of this title, the dean or director of each eligible institution shall cause to be prepared and shall review proposals for such research projects, which contain data showing compliance with the purpose in section 3191 of this title and the provisions for use of funds specified in section 3195(a) of this title, and with general guidelines for project eligibility to be provided by the Secretary. Such research proposals that are approved by the dean or director shall be submitted to the Secretary prior to assignment of funds thereto with a brief summary showing compliance with the provisions of this subtitle and the Secretary's general guidelines.

(Pub. L. 95-113, title XIV, § 1437, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 105-185, § 606(d)(4), June 23, 1998, 112 Stat. 604.)

## AMENDMENTS

1998—Pub. L. 105-185 struck out “with the advice, when available, of the Board” after “by the Secretary” in first sentence.

**§ 3200. Matching funds**

No funds in excess of \$100,000, exclusive of the funds provided for research on specific national or regional animal health and disease problems under the provisions of section 3196 of this title, shall be paid by the Federal Government to any State under this subchapter during any fiscal year in excess of the amount from non-Federal sources made available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health

and disease research. The Secretary is authorized to make such payments in excess of \$100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health and disease research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health and disease research in any fiscal year sums at least equal to the amount for which it is certified, the difference between the Federal matching funds available and the funds made available to and budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary among other eligible institutions of the same State, if there are any which qualify therefor, and, if there are none, the Secretary shall reapportion such difference among the other States.

(Pub. L. 95-113, title XIV, § 1438, Sept. 29, 1977, 91 Stat. 1005.)

**§ 3201. Funds appropriated or otherwise made available pursuant to other provisions of law**

The sums appropriated and allocated to States and eligible institutions under this subchapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to such States and institutions pursuant to other provisions of law.

(Pub. L. 95-113, title XIV, § 1439, Sept. 29, 1977, 91 Stat. 1005.)

**§ 3202. Research and education grants for the study of antibiotic-resistant bacteria****(a) In general**

The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

**(b) Administration**

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

**(c) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, § 7521, May 22, 2008, 122 Stat. 1271; Pub. L. 110-246, § 4(a), title VII, § 7521, June 18, 2008, 122 Stat. 1664, 2033.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

## EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

## DEFINITION OF "SECRETARY"

"Secretary" as meaning the Secretary of Agriculture, see section 8701 of this title.

## SUBCHAPTER VI—1890 LAND-GRANT COLLEGE FUNDING

**§ 3221. Extension at 1890 land-grant colleges, including Tuskegee University****(a) Authorization of appropriations****(1) In general**

There are authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural and forestry extension at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee University (hereinafter in this section referred to as "eligible institutions").

**(2) Minimum amount**

Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 20 percent of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341 et seq.), and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), except that for the purpose of this calculation, the total appropriations shall not include amounts made available under section 3(d) of that Act (7 U.S.C. 343(d)).

**(3) Uses**

Funds appropriated under this section shall be used for expenses of conducting extension programs and activities, and for contributing to the retirement of employees subject to the provisions of section 331 of this title.

**(4) Carryover**

No more than 20 per centum of the funds received by an institution in any fiscal year may be carried forward to the succeeding fiscal year.

**(b) Allocation and distribution of appropriated funds**

Beginning with the fiscal year ending September 30, 1979—

(1) any funds annually appropriated under this section up to the amount appropriated for the fiscal year ending September 30, 1978, pursuant to section 343(d) of this title, for eligible

institutions, shall be allocated among the eligible institutions in the same proportion as funds appropriated under section 343(d) of this title for the fiscal year ending September 30, 1978, are allocated among the eligible institutions; and

(2) any funds appropriated annually under this section in excess of an amount equal to the amount appropriated under section 343(d) of this title, for the fiscal year ending September 30, 1978, for eligible institutions, shall be distributed as follows:

(A) A sum equal to 4 per centum of the total amount appropriated each fiscal year under this section shall be allotted to the Extension Service of the Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department of Agriculture and the several States.

(B) Of the remainder, 20 per centum shall be allotted among the eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated.

In computing the distribution of funds allocated under paragraph (2) of this subsection, the allotments to Tuskegee University and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

**(c) Comprehensive program of extension for each State**

The State director of the cooperative extension service and the extension administrator at the eligible institution in each State where an eligible institution is located shall jointly develop, by mutual agreement, a comprehensive program of extension for such State to be submitted for approval by the Secretary within one year after September 29, 1977 and each five years thereafter.

**(d) Ascertainment of entitlement to funds; time and manner of payment; State reporting requirements; plans of work****(1) Ascertainment of entitlement**

On or about the first day of October in each year after September 29, 1977, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriation for extension work under this section and the amount which it is entitled to receive. Before the funds herein pro-

vided shall become available to any eligible institution for any fiscal year, plans for the work to be carried out under this section shall be submitted, as part of the State plan of work, and approved by the Secretary.

**(2) Time and manner of payment; related reports**

The amount to which an eligible institution is entitled shall be paid in equal quarterly payments on or about October 1, January 1, April 1, and July 1 of each year to the treasurer or other officer of the eligible institution duly authorized to receive such payments and such officer shall be required to report to the Secretary on or about the first day of December of each year a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary.

**(3) Requirements related to plan of work**

Each plan of work for an eligible institution required under this section shall contain descriptions of the following:

(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address the issues.

(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address the issues.

(C) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional extension efforts) to work with those other institutions.

(D) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results.

**(4) Extension protocols**

**(A) In general**

The Secretary shall develop protocols to be used to evaluate the success of multi-state, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under this section.

**(B) Consultation**

The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

**(5) Treatment of plans of work for other purposes**

To the maximum extent practicable, the Secretary shall consider a plan of work submitted under this section to satisfy other appropriate Federal reporting requirements.

**(e) Diminution, loss, or misapplication of funds**

If any portion of the moneys received by any eligible institution for the support and maintenance of extension work as provided in this section shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be apportioned or paid to such institution. No portion of such moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college course teaching, lectures in college, or any other purpose not specified in this section. It shall be the duty of such institution, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary.

**(f) Mailing of correspondence, bulletins, and reports**

To the extent that the official mail consists of correspondence, bulletins, and reports for furtherance of the purposes of this section, it shall be transmitted in the mails of the United States. Such items may be mailed from a principal place of business of each eligible institution or from an established subunit of such institution.

(Pub. L. 95-113, title XIV, §1444, Sept. 29, 1977, 91 Stat. 1007; Pub. L. 97-98, title XIV, §1431, Dec. 22, 1981, 95 Stat. 1310; Pub. L. 99-198, title XIV, §1415, Dec. 23, 1985, 99 Stat. 1549; Pub. L. 104-127, title VIII, §883(b), Apr. 4, 1996, 110 Stat. 1176; Pub. L. 105-185, title I, §103(f)(3)(A), title II, §§225(a), 226(c)(2), June 23, 1998, 112 Stat. 528, 540, 543; Pub. L. 107-171, title VII, §7203(a), May 13, 2002, 116 Stat. 438; Pub. L. 110-234, title VII, §§7121, 7403(c), 7404(b)(2)(A)(i), 7511(c)(12), May 22, 2008, 122 Stat. 1222, 1246, 1247, 1268; Pub. L. 110-246, §4(a), title VII, §§7121, 7403(c), 7404(b)(2)(A)(i), 7511(c)(12), June 18, 2008, 122 Stat. 1664, 1983, 2008, 2029.)

AMENDMENT OF SUBSECTION (b)(2)(A)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effective Oct. 1, 2009, subsection (b)(2)(A) of this section is amended by substituting "National Institute of Food and Agriculture" for "Extension Service".*

REFERENCES IN TEXT

Act of August 30, 1890, 26 Stat. 417, as amended, referred to in subsec. (a)(1), is popularly known as the "Agricultural College Act of 1890" and also as the "Second Morrill Act", and is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

Act of May 8, 1914, 38 Stat. 372, as amended, referred to in subsec. (a)(2), is popularly known as the "Smith-Lever Act", and is classified generally to subchapter IV (§341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-246, §§7121, 7403(c), substituted "20 percent" for "15 percent" and "under section 3(d) of that Act (7 U.S.C. 343(d))" for "after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of that Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary".

Subsec. (f). Pub. L. 110-246, §7404(b)(2)(A)(i), struck out "under penalty indicia: *Provided*, That each item shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe" after "United States".

2002—Subsec. (a). Pub. L. 107-171 inserted subsec. heading, designated first, third, fourth, and fifth sentences as pars. (1) to (4), respectively, inserted headings, struck out "Beginning with the fiscal year ending September 30, 1979, and ending with the fiscal year ending September 30, 1981, there shall be appropriated under this section for each fiscal year an amount not less than 4 per centum of the total appropriations for such year under the Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349): *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available for the fiscal year ending September 30, 1978, to such eligible institutions under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343(d))." after "(hereinafter in this section referred to as 'eligible institutions')." in par. (1), and substituted "Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 15 percent" for "Beginning with the fiscal year ending September 30, 1982, there shall be appropriated under this section an amount not less than 5½ per centum, and for each fiscal year thereafter an amount not less than 6 per centum" in par. (2).

1998—Pub. L. 105-185, §226(c)(2)(A), substituted "University" for "Institute" in section catchline.

Subsecs. (a), (b). Pub. L. 105-185, §226(c)(2)(B), substituted "Tuskegee University" for "Tuskegee Institute" in first sentence of subsec. (a) and concluding provisions of subsec. (b).

Subsec. (d). Pub. L. 105-185, §225(a), inserted subsec. heading, designated existing provisions as pars. (1) and (2) and inserted par. headings, in par. (2) substituted "The amount to which an eligible institution is entitled" for "Such sums", and added pars. (3) to (5).

Subsecs. (f), (g). Pub. L. 105-185, §103(f)(3)(A), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: "If the Secretary finds that an eligible institution is not entitled to receive its share of the annual appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the next Congress in order that the institution may, if it should so desire, appeal to Congress from the determination of the Secretary. If

the next Congress does not direct such sum to be paid, it shall be carried to surplus."

1996—Subsec. (a). Pub. L. 104-127 inserted before period at end of third sentence " , except that for the purpose of this calculation, the total appropriations shall not include amounts made available after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of that Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary".

1985—Subsec. (a). Pub. L. 99-198 in third sentence, struck out " , through the fiscal year ending September 30, 1985," after "fiscal year thereafter" and inserted at end " , and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.)".

1981—Subsec. (a). Pub. L. 97-98, §1431(1), (2), inserted provisions designating the fiscal year ending Sept. 30, 1981, as the last of the fiscal years for which the appropriation under this section had to be 4 per centum or more of the total appropriation for each year under the Act of May 8, 1914, and inserted provisions that, beginning with the fiscal year ending Sept. 30, 1982, there must be appropriated under this section an amount not less than 5½ per centum and for each fiscal year thereafter, through the fiscal year ending Sept. 30, 1985, an amount not less than 6 per centum of the total appropriations for such year under the Act of May 8, 1914.

Subsec. (b)(2)(B). Pub. L. 97-98, §1431(3), inserted "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" in two places.

Subsec. (c). Pub. L. 97-98, §1431(4), substituted "extension administrator" for "administrative head for extension" and inserted provision for the submission of a comprehensive program of extension for approval by the Secretary each five years after Sept. 29, 1977.

Subsec. (d). Pub. L. 97-98, §1431(5), substituted "submitted, as part of the State plan of work," for "submitted by the proper officials of each institution".

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(12) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title II, §225(c), June 23, 1998, 112 Stat. 542, provided that: "The amendments made by this section [amending this section and section 3222 of this title] take effect on October 1, 1999."

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

WEST VIRGINIA STATE COLLEGE, INSTITUTE,  
WEST VIRGINIA

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1141, provided in part that West Virginia State College in Insti-

tute, West Virginia: “for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221)”.

**§ 3222. Agricultural research at 1890 land-grant colleges, including Tuskegee University**

**(a) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural research at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee University (hereinafter referred to in this section as “eligible institutions”).

**(2) Minimum amount**

Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 30 percent of the total appropriations for the fiscal year under section 361c of this title.

**(3) Uses**

Funds appropriated under this section shall be used for expenses of conducting agricultural research, printing, disseminating the results of such research, contributing to the retirement of employees subject to the provisions of section 331 of this title, administrative planning and direction, and purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting agricultural research.

**(4) Coordination**

The eligible institutions are authorized to plan and conduct agricultural research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems, and moneys appropriated pursuant to this section shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

**(5) Carryover**

**(A) In general**

The balance of any annual funds provided to an eligible institution for a fiscal year under this section that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

**(B) Failure to expend full amount**

**(i) In general**

If any unexpended balance carried over by an eligible institution is not expended by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the eligible institution.

**(ii) Redistribution**

Federal funds that are deducted under clause (i) for a fiscal year shall be redistributed by the Secretary in accordance with the formula set forth in subsection

(b)(2)(B) of this section to those eligible institutions for which no deduction under clause (i) has been taken for that fiscal year.

**(b) Allocation and distribution of appropriated funds**

Beginning with the fiscal year ending September 30, 1979, the funds appropriated in each fiscal year under this section shall be distributed as follows:

(1) Three per centum shall be available to the Secretary for administration of this section. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.

(2) The remainder shall be allotted among the eligible institutions as follows:

(A) Funds up to the total amount made available to all eligible institutions in the fiscal year ending September 30, 1978, under section 450i of this title, shall be allocated among the eligible institutions in the same proportion as funds made available under section 450i of this title, for the fiscal year ending September 30, 1978, are allocated among the eligible institutions.

(B) Of funds in excess of the amount allocated under subparagraph (A) of this paragraph, 20 per centum shall be allotted among eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated. In computing the distribution of funds allocated under this subparagraph, the allotments to Tuskegee University and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

**(c) Program and plans of work**

**(1) Initial comprehensive program of agricultural research**

The director of the State agricultural experiment station in each State where an eligible institution is located and the research director specified in subsection (d) of this section in each of the eligible institutions in such State shall jointly develop, by mutual agreement, a comprehensive program of agricultural research in such State, to be submitted for approval by the Secretary within one year after September 29, 1977.

**(2) Plan of work required**

Before funds may be provided to an eligible institution under this section for any fiscal year, a plan of work to be carried out under this section shall be submitted by the research director specified in subsection (d) of this section and shall be approved by the Secretary.

**(3) Requirements related to plan of work**

Each plan of work required under paragraph (2) shall contain descriptions of the following:

(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address the issues.

(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

(C) Other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State.

(D) The current and emerging efforts to work with those other institutions to build on each other's experience and take advantage of each institution's unique capacities.

(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

**(4) Research protocols****(A) In general**

The Secretary shall develop protocols to be used to evaluate the success of multi-state, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2).

**(B) Consultation**

The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

**(5) Treatment of plans of work for other purposes**

To the maximum extent practicable, the Secretary shall consider a plan of work submitted under paragraph (2) to satisfy other appropriate Federal reporting requirements.

**(d) Payment of funds to eligible institutions**

Sums available for allotment to the eligible institutions under the terms of this section shall be paid to such institutions in equal quarterly payments beginning on or about the first day of October of each year upon vouchers approved by the Secretary. The President of each eligible institution shall appoint a research director who shall be responsible for administration of the program authorized herein. Each eligible insti-

tution shall designate a treasurer or other officer who shall receive and account for all funds allotted to such institution under the provisions of this section and shall report, with the approval of the research director, to the Secretary on or before the first day of December of each year a detailed statement of the amount received under the provisions of this section during the preceding fiscal year and its disbursement on schedules prescribed by the Secretary. If any portion of the allotted moneys received by any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be allotted or paid to such institution. Funds made available to eligible institutions shall not be used for payment of negotiated overhead or indirect cost rates.

**(e) Mailing of bulletins, reports, periodicals, reprints, articles, and other publications**

Bulletins, reports, periodicals, reprints or articles, and other publications necessary for the dissemination of results of the research and experiments funded under this section, including lists of publications available for distribution by the eligible institutions, shall be transmitted in the mails of the United States. Such publications may be mailed from the principal place of business of each eligible institution or from an established subunit of such institution.

**(f) Administration; rules and regulations; cooperation by and between institutions**

The Secretary shall be responsible for the proper administration of this section, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of this section, including participation in coordination of research initiated under this section by the eligible institutions, from time to time to indicate such lines of inquiry as to the Secretary seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several eligible institutions, the State agricultural experiment stations, and between them and the Department of Agriculture.

**(g) Entitlement**

On or before the first day of October in each year after September 29, 1977, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriations under this section and the amount which thereupon each is entitled, respectively, to receive.

**(h) Existing legal relationships not impaired or modified**

Nothing in this section shall be construed to impair or modify the legal relationship existing between any of the eligible institutions and the government of the States in which they are respectively located.

(Pub. L. 95-113, title XIV, §1445, Sept. 29, 1977, 91 Stat. 1009; Pub. L. 95-547, Oct. 28, 1978, 92 Stat. 2063; Pub. L. 97-98, title XIV, §1432(a), Dec. 22, 1981, 95 Stat. 1311; Pub. L. 99-198, title XIV,

§1417, Dec. 23, 1985, 99 Stat. 1550; Pub. L. 105-185, title I, §103(f)(3)(B), title II, §§225(b), 226(b), (c)(3), June 23, 1998, 112 Stat. 528, 541, 543; Pub. L. 105-362, title I, §101(e), Nov. 10, 1998, 112 Stat. 3281; Pub. L. 107-171, title VII, §§7203(b), 7204, May 13, 2002, 116 Stat. 438; Pub. L. 110-234, title VII, §§7122, 7404(b)(2)(A)(ii), May 22, 2008, 122 Stat. 1222, 1247; Pub. L. 110-246, §4(a), title VII, §§7122, 7404(b)(2)(A)(ii), June 18, 2008, 122 Stat. 1664, 1983, 2008.)

## REFERENCES IN TEXT

Act of August 30, 1890, 26 Stat. 417, as amended, referred to in subsec. (a)(1), is popularly known as the "Agricultural College Act of 1890" and also as the "Second Morrill Act", and is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-246, §7122, substituted "30 percent" for "25 percent".

Subsec. (e). Pub. L. 110-246, §7404(b)(2)(A)(ii), struck out "under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe" after "United States".

2002—Subsec. (a). Pub. L. 107-171, §7203(b), inserted heading, designated existing provisions as pars. (1) to (5), inserted headings, and substituted in par. (2) "Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 25 percent of the total appropriations for the fiscal year under section 361c of this title." for "Beginning with the fiscal year ending September 30, 1979, there shall be appropriated under this section for each fiscal year an amount not less than 15 per centum of the total appropriations for such year under section 361c of this title: *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available in the fiscal year ending September 30, 1978, to such eligible institutions under the Act of August 4, 1965 (79 Stat. 431, 7 U.S.C. 450i)."

Subsec. (a)(5). Pub. L. 107-171, §7204, added par. (5) and struck out heading and text of former par. (5). Text read as follows: "No more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year."

1998—Pub. L. 105-185, §226(c)(3)(A), substituted "University" for "Institute" in section catchline.

Subsec. (a). Pub. L. 105-185, §226(c)(3)(B), substituted "Tuskegee University" for "Tuskegee Institute" in first sentence.

Subsec. (b)(2)(B). Pub. L. 105-185, §226(c)(3)(B), substituted "Tuskegee University" for "Tuskegee Institute".

Subsec. (c). Pub. L. 105-185, §225(b), inserted subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added pars. (2) to (5).

Subsec. (g). Pub. L. 105-362, §101(e)(1), struck out "(1)" before "On or before".

Subsec. (g)(2). Pub. L. 105-362, §101(e)(2), struck out par. (2) which read as follows: "The Secretary shall make an annual report to Congress during the first regular session of each year of the receipts and expenditures and work of the eligible institutions under the provisions of this section and also whether any portion

of the appropriation available for allotment to any institution has been withheld and if so the reasons therefor."

Pub. L. 105-185, §226(b) redesignated par. (4) as (2) and struck out former par. (2) which read as follows: "If it appears to the Secretary from the annual statement of receipts and expenditures of funds by any eligible institution that an amount in excess of 5 percent of the preceding annual appropriation allotted to that institution under this section remains unexpended, such amount in excess of 5 percent of the preceding annual appropriation allotted to that institution shall be deducted from the next succeeding annual allotment to the institution."

Subsec. (g)(3). Pub. L. 105-185, §103(f)(3)(B), struck out par. (3) which read as follows: "If the Secretary withhold from any eligible institution any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus."

Subsec. (g)(4). Pub. L. 105-185, §226(b)(2), redesignated par. (4) as (2).

1985—Subsec. (a). Pub. L. 99-198, §1417(a), provided that not more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year.

Subsec. (g)(2). Pub. L. 99-198, §1417(b), in amending par. (2) generally, substituted "If it appears" for "Whenever it shall appear" before "to the Secretary" and "that an amount in excess of 5 percent" for "that any portion" before "of the preceding annual appropriation" and inserted "in excess of 5 percent of the preceding annual appropriation allotted to that institution" before "shall be deducted".

1981—Subsec. (b)(1). Pub. L. 97-98, §1432(a)(1), inserted provision authorizing use of administrative funds for transportation of scientists to research meetings convened for purpose of assessing research opportunities or research planning.

Subsec. (b)(2)(B). Pub. L. 97-98, §1432(a)(2), inserted "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" in two places.

Subsecs. (c), (d). Pub. L. 97-98, §1432(a)(3), substituted "research director" for "chief administrative officer" wherever appearing.

1978—Subsec. (b). Pub. L. 95-547 amended subsec. (b) generally, substituting in par. (A) provisions relating to allocation of funds among eligible institutions in same proportion as funds made available under section 450i of this title, for fiscal year ending Sept. 30, 1978, are allocated among eligible institutions for provisions relating to allocation of \$100,000 to each eligible institution, and substituting in par. (B) provisions relating to allocation among eligible institutions of 20 per centum of the excess funds in equal proportions, 40 per centum in proportion that the rural population of the State in which each eligible institution is located bears to total rural population of all States in which such institutions are located, and balance in proportion that farm population of State in which each eligible institution is located bears to total farm population of all States in which such institutions are located for provisions relating to allocation among eligible institutions of one-half of remaining funds in an amount which bore same ratio to total amount to be allocated as rural population of State in which eligible institution was located bore to total rural population of all States in which such institutions were located, and one-half in an amount which bore same ratio to total amount to be allocated as farm population of State in which eligible institution was located bore to total farm population of all States in which such institutions were located.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by section 225(b) of Pub. L. 105-185 effective Oct. 1, 1999, see section 225(c) of Pub. L. 105-185, set out as a note under section 3221 of this title.

**EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**WEST VIRGINIA STATE COLLEGE, INSTITUTE,  
WEST VIRGINIA**

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140, provided in part that West Virginia State College in Institute, West Virginia: “for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222)”.

**GRANT FOR DAIRY GOAT RESEARCH PROGRAM**

Section 1432(b) of Pub. L. 97-98, as amended by Pub. L. 99-198, title XIV, §1432, Dec. 23, 1985, 99 Stat. 1557; Pub. L. 101-624, title XVI, §1601(c), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §887, Apr. 4, 1996, 110 Stat. 1180, authorized grant for dairy goat research, described uses for grant and times of payment, and authorized appropriations for fiscal years 1991 through 1997, prior to repeal by Pub. L. 105-185, title III, §302(b), June 23, 1998, 112 Stat. 563.

**§ 3222a. Repealed. Pub. L. 104-127, title VIII,  
§ 855, Apr. 4, 1996, 110 Stat. 1172**

Section, Pub. L. 95-113, title XIV, §1446, as added Pub. L. 101-624, title XVI, §1612(a), Nov. 28, 1990, 104 Stat. 3721; amended Pub. L. 102-237, title IV, §402(9), (10), Dec. 13, 1991, 105 Stat. 1863, related to resident instruction at 1890 land-grant colleges, including Tuskegee University.

**§ 3222b. Grants to upgrade agricultural and food  
sciences facilities at 1890 land-grant colleges,  
including Tuskegee University**

**(a) Purpose**

It is hereby declared to be the intent of Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 [7 U.S.C. 321 et seq.], including Tuskegee University (hereafter referred to in this section as “eligible institutions”) in the acquisition and improvement of agricultural and food sciences facilities and equipment, including libraries, so that the eligible institutions may participate fully in the production of human capital.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Secretary of Agriculture for the purposes of carrying out the provisions of this section, \$25,000,000 for each of fiscal years 2002 through 2012, and such sums shall remain available until expended.

**(c) Use of grant funds**

Four percent of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to eligible institutions for the purpose of assisting them in the purchase of equipment and land, the planning, construction, alteration, or

renovation of buildings to strengthen their capacity in the production of human capital in the food and agricultural sciences and can be used at the discretion of the eligible institutions in the areas of research, extension, and resident instruction or any combination thereof.

**(d) Method of awarding grants**

Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

**(e) Prohibition of certain uses**

Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

**(f) Regulations**

The Secretary may promulgate such rules and regulations as the Secretary may consider necessary to carry out the provisions of this section.

(Pub. L. 95-113, title XIV, §1447, as added Pub. L. 101-624, title XVI, §1612(b), Nov. 28, 1990, 104 Stat. 3722; amended Pub. L. 104-127, title VIII, §813, Apr. 4, 1996, 110 Stat. 1166; Pub. L. 105-185, title III, §301(a)(9), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7109, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §7123, May 22, 2008, 122 Stat. 1222; Pub. L. 110-246, §4(a), title VII, §7123, June 18, 2008, 122 Stat. 1664, 1983.)

**REFERENCES IN TEXT**

Act of August 30, 1890, referred to in subsec. (a), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the “Agricultural College Act of 1890” and also as the “Second Morrill Act”, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

**PRIOR PROVISIONS**

A prior section 1447 of Pub. L. 95-113, title XIV, Sept. 29, 1977, 91 Stat. 1011, amended sections 341 and 342 of this title, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

**AMENDMENTS**

2008—Subsec. (b). Pub. L. 110-246, §7123, substituted “2012” for “2007”.

2002—Subsec. (b). Pub. L. 107-171 substituted “\$25,000,000 for each of fiscal years 2002 through 2007” for “\$15,000,000 for each of fiscal years 1996 through 2002”.

1998—Subsec. (b). Pub. L. 105-185 substituted “through 2002” for “and 1997”.

1996—Subsec. (b). Pub. L. 104-127 substituted “\$15,000,000 for each of fiscal years 1996 and 1997” for “\$8,000,000 for each of the fiscal years 1991 through 1995”.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3222b-1. Grants to upgrade agriculture and food sciences facilities at the District of Columbia land-grant university**

**(a) Purpose**

It is the intent of Congress to assist the land-grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

**(b) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$750,000 for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1447A, as added Pub. L. 110-234, title VII, §7124, May 22, 2008, 122 Stat. 1222, and Pub. L. 110-246, §4(a), title VII, §7124, June 18, 2008, 122 Stat. 1664, 1983.)

REFERENCES IN TEXT

Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428), referred to in subsec. (a), is not classified to the Code.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3222b-2. Grants to upgrade agriculture and food sciences facilities and equipment at insular area land-grant institutions**

**(a) Purpose**

It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

**(b) Method of awarding grants**

Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

**(c) Regulations**

The Secretary may promulgate such rules and regulations as the Secretary considers to be necessary to carry out this section.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$8,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1447B, as added Pub. L. 110-234, title VII, §7125, May 22, 2008, 122 Stat. 1223, and Pub. L. 110-246, §4(a), title VII, §7125, June 18, 2008, 122 Stat. 1664, 1984.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3222c. National research and training virtual centers**

**(a) Competitive grants authorized**

The Secretary of Agriculture may make a competitive grant to five national research and training virtual centers located at colleges (or a consortia of such colleges) eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, that—

(1) have been designated by the Secretary for the fiscal years 1991 through 1995, or fiscal years 1996 through 2012, as national research and training virtual centers; and

(2) have the best demonstrable capacity, as determined by the Secretary, to provide administrative leadership as—

(A) a National Center for Goat Research and Training;

(B) a National Center for Agricultural Engineering Development, Research, and Training;

(C) a National Center for Water Quality and Agricultural Production Research and Training;

(D) a National Center for Sustainable Agriculture Research and Training; and

(E) a National Center for Domestic and International Trade and Development Research and Training.

**(b) Use of grants**

A grant made under subsection (a) of this section may be expended by a center to—

(1) pay expenses incurred in conducting research for which the center was designated;

(2) print and disseminate the results of such research;

(3) plan, administer, and direct such research; and

(4) alter or repair buildings necessary to conduct such research.

**(c) Priority**

In making a grant determination under subsection (a) of this section, the Secretary shall give priority to those centers that—

(1) will assure dissemination of information between eligible institutions described in subsection (a) of this section and among agricultural producers; and

(2) will attract students and needed professionals in the food and agricultural sciences.

**(d) Payments**

(1) Under the terms of a grant made under subsection (a) of this section, funds appropriated under subsection (f) of this section for a fiscal year shall be paid (upon vouchers approved by the Secretary) to a center receiving the grant in equal quarterly installments beginning on or about the first day of October of such year.

(2) Not later than 60 days after the end of each fiscal year for which funds are paid under this section to a center, the research director of such

center shall submit to the Secretary a detailed statement of the disbursements in such fiscal year of funds received by such center under this section.

(3) If any of the funds received by a center under this section are misapplied, lost, or diminished by any action or contingency on the part of the center—

- (A) the center shall replace such funds; and
- (B) the Secretary shall not distribute to such center any other funds under this subsection until such funds are replaced.

**(e) Prohibited uses of funds**

Funds provided under this section may not be used—

- (1) to acquire or construct a building; or
- (2) to pay the overhead costs of the college (or consortia of colleges) receiving the grant.

**(f) Authorization of appropriations**

There are authorized to be appropriated \$2,000,000 for each of the fiscal years 1991 through 2012 for grants under this section.

**(g) “Center” defined**

For purposes of this section, the term “center” means a national research and training virtual center that receives a grant under this subsection.

**(h) Coordination of center activities**

(1) The center designated under subsection (a)(2)(C) of this section shall coordinate its activities with the water quality research activities conducted under subtitle G of title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990.<sup>1</sup>

(2) The center designated under subsection (a)(2)(D) of this section shall coordinate its activities with the sustainable agriculture research and education program established under subtitle B of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 [7 U.S.C. 5801 et seq.].

(Pub. L. 95–113, title XIV, §1448, as added Pub. L. 101–624, title XVI, §1612(c), Nov. 28, 1990, 104 Stat. 3723; amended Pub. L. 104–127, title VIII, §814, Apr. 4, 1996, 110 Stat. 1166; Pub. L. 105–185, title III, §301(a)(10), June 23, 1998, 112 Stat. 562; Pub. L. 107–171, title VII, §7110, May 13, 2002, 116 Stat. 433; Pub. L. 110–234, title VII, §7126, May 22, 2008, 122 Stat. 1223; Pub. L. 110–246, §4(a), title VII, §7126, June 18, 2008, 122 Stat. 1664, 1984.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (a), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the “Agricultural College Act of 1890” and also as the “Second Morrill Act”, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (h), is Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XIV of the Act, popularly known as the “Agriculture and Water Policy Coordination Act”, was classified generally to chapter 86 (§5501 et seq.) of this title, prior to repeal by Pub. L. 105–185, title III, §302(c), June 23,

1998, 112 Stat. 563. Subtitle B of title XVI of the Act enacted subchapter I (§5801 et seq.) of chapter 88 of this title and repealed chapter 78 (§4701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

PRIOR PROVISIONS

A prior section 1448 of Pub. L. 95–113, title XIV, Sept. 29, 1977, 91 Stat. 1011, amended sections 1923 and 1942 of this title, prior to repeal by Pub. L. 101–624, title XVI, §1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

AMENDMENTS

2008—Subsecs. (a)(1), (f). Pub. L. 110–246, §7126, substituted “2012” for “2007”.

2002—Pub. L. 107–171, §7110(b)(1), substituted “virtual” for “centennial” in section catchline.

Subsec. (a). Pub. L. 107–171, §7110(b)(2), substituted “virtual centers” for “centennial centers” in introductory provisions.

Subsec. (a)(1). Pub. L. 107–171, §7110(a), (b)(2), substituted “2007” for “2002” and “virtual centers” for “centennial centers”.

Subsec. (f). Pub. L. 107–171, §7110(a), substituted “2007” for “2002”.

Subsec. (g). Pub. L. 107–171, §7110(b)(2), substituted “virtual” for “centennial”.

1998—Subsec. (a)(1). Pub. L. 105–185, §301(a)(10)(A), substituted “through 2002” for “and 1997”.

Subsec. (f). Pub. L. 105–185, §301(a)(10)(B), substituted “2002” for “1997”.

1996—Subsec. (a)(1). Pub. L. 104–127, §814(1), inserted “, or fiscal years 1996 and 1997,” after “1995”.

Subsec. (f). Pub. L. 104–127, §814(2), substituted “1997” for “1995”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

**§ 3222d. Matching funds requirement for research and extension activities at eligible institutions**

**(a) Definitions**

In this section:

**(1) Eligible institution**

The term “eligible institution” means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the “Second Morrill Act”), including Tuskegee University.

**(2) Formula funds**

The term “formula funds” means the formula allocation funds distributed to eligible institutions under sections 3221 and 3222 of this title.

**(b) Determination of non-Federal sources of funds**

Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999—

- (1) the sources of non-Federal funds made available by the State to the eligible institution for agricultural research, extension, and

<sup>1</sup> See References in Text note below.

education to meet the requirements of this section; and

(2) the amount of such funds generally available from each source.

**(c) Matching formula**

Notwithstanding any other provision of this subchapter, the State shall provide equal matching funds from non-Federal sources.

**(d) Waiver authority**

Notwithstanding subsection (f) of this section, the Secretary may waive the matching funds requirement under subsection (c) of this section above the 50 percent level for any fiscal year for an eligible institution of a State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.

**(e) Use of matching funds**

Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) of this section may be used by an eligible institution for agricultural research, extension, and education activities.

**(f) Redistribution of funds**

**(1) Redistribution required**

Federal funds that are not matched by a State in accordance with subsection (c) of this section for a fiscal year shall be redistributed by the Secretary to eligible institutions whose States have satisfied the matching funds requirement for that fiscal year.

**(2) Administration**

Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) of this section and shall be made in a manner consistent with sections 3221 and 3222 of this title, as determined by the Secretary.

(Pub. L. 95-113, title XIV, § 1449, as added Pub. L. 105-185, title II, § 226(a), June 23, 1998, 112 Stat. 542; amended Pub. L. 107-171, title VII, § 7212, May 13, 2002, 116 Stat. 447; Pub. L. 110-234, title VII, § 7127, May 22, 2008, 122 Stat. 1223; Pub. L. 110-246, § 4(a), title VII, § 7127, June 18, 2008, 122 Stat. 1664, 1984.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (a)(1), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, § 7127, substituted “the State shall provide equal matching funds” for “for each of fiscal years 2003 through 2007, the State shall provide matching funds” and struck out at end “Such matching funds shall be for an amount equal to not less than—

“(1) 60 percent of the formula funds to be distributed to the eligible institution for fiscal year 2003;

“(2) 70 percent of the formula funds to be distributed to the eligible institution for fiscal year 2004;

“(3) 80 percent of the formula funds to be distributed to the eligible institution for fiscal year 2005;

“(4) 90 percent of the formula funds to be distributed to the eligible institution for fiscal year 2006; and

“(5) 100 percent of the formula funds to be distributed to the eligible institution for fiscal year 2007 and each fiscal year thereafter.”

2002—Subsec. (c). Pub. L. 107-171, § 7212(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of this subchapter, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

“(1) For fiscal year 2000, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

“(2) For fiscal year 2001, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

“(3) For fiscal year 2002 and each fiscal year thereafter, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.”

Subsec. (d). Pub. L. 107-171, § 7212(2), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows:

“(1) FISCAL YEAR 2000.—Notwithstanding subsection (f) of this section, the Secretary may waive the matching funds requirement under subsection (c)(1) of this section for fiscal year 2000 for an eligible institution of a State if the Secretary determines that, based on the report received under subsection (b) of this section, the State will be unlikely to satisfy the matching requirement.

“(2) FUTURE FISCAL YEARS.—The Secretary may not waive the matching requirement under subsection (c) of this section for any fiscal year other than fiscal year 2000.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3223. Grants for acquisition and improvement of research facilities and equipment**

**(a) Eligible institutions; statement of purposes**

It is hereby declared to be the intent of Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee Institute (hereinafter referred to in this section as “eligible institutions”), in the acquisition and improvement of research facilities and equipment, including agricultural libraries, so that eligible institutions may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this section \$10,000,000 for each of the fiscal years ending

September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987, such sums to remain available until expended.

**(c) Allocation of funds**

Four per centum of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

**(d) Amount, terms, and conditions**

Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

**(e) Restrictions**

Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

**(f) Rules and regulations**

The Secretary may promulgate such rules and regulations as the Secretary may deem necessary to carry out the provisions of this section.

(Pub. L. 97-98, title XIV, §1433, Dec. 22, 1981, 95 Stat. 1312; Pub. L. 99-198, title XIV, §1433, Dec. 23, 1985, 99 Stat. 1557.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (a), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the National Agricultural Research Extension and Teaching Policy Act of 1977 which comprises this chapter.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-198, §1432(a), inserted “, including agricultural libraries,” after “equipment”.  
Subsec. (b). Pub. L. 99-198, §1432(b), authorized appropriations for fiscal year ending Sept. 30, 1987.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

**§ 3224. Repealed. Pub. L. 104-127, title VIII, § 873, Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title VI, § 606(g), June 23, 1998, 112 Stat. 604**

Section, Pub. L. 99-198, title XIV, §1416, Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(d)(1), Nov. 28, 1990, 104 Stat. 3704, provided for grants to upgrade 1890 land-grant college extension facilities.

CODIFICATION

Pub. L. 105-185, title VI, § 606(g), June 23, 1998, 112 Stat. 604, provided that the technical amendment made

by section 606(g) to section 873 of Pub. L. 104-127, which repealed this section, is effective Apr. 6, 1996.

**SUBCHAPTER VII—PROGRAMS FOR HISPANIC, ALASKA NATIVE, AND NATIVE HAWAIIAN SERVING INSTITUTIONS**

PRIOR PROVISIONS

A prior subchapter VII, consisting of parts A (§3241), B (§§3251, 3252), C (§§3261 to 3263), D (§3271), and E (§§3281, 3282), related to solar energy research and development, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

Section 3241, Pub. L. 95-113, title XIV, §1449, Sept. 29, 1977, 91 Stat. 1012, related to farm and forest uses of solar energy and nonrenewable fuel and petrochemical substitutes.

Section 3251, Pub. L. 95-113, title XIV, §1450, Sept. 20, 1977, 91 Stat. 1012, provided for a solar energy research information system.

Section 3252, Pub. L. 95-113, title XIV, §1451, Sept. 29, 1977, 91 Stat. 1013, provided for assistance from an advisory committee respecting functions of Secretary on model farms and demonstration projects.

Section 3261, Pub. L. 95-113, title XIV, §1452, Sept. 29, 1977, 91 Stat. 1013, provided for model farms.

Section 3262, Pub. L. 95-113, title XIV, §1453, Sept. 29, 1977, 91 Stat. 1014, provided for demonstration projects.

Section 3263, Pub. L. 95-113, title XIV, §1454, Sept. 29, 1977, 91 Stat. 1015; Pub. L. 97-98, title XIV, §1434, Dec. 22, 1981, 95 Stat. 1312, authorized appropriation of funds.

Section 3271, Pub. L. 95-113, title XIV, §1455, Sept. 29, 1977, 91 Stat. 1015, provided for establishment of regional solar energy research, development, and demonstration centers.

Section 3281, Pub. L. 95-113, title XIV, §1456, Sept. 29, 1977, 91 Stat. 1015, authorized appropriation of funds.

Section 3282, Pub. L. 95-113, title XIV, §1457, Sept. 29, 1977, 91 Stat. 1015; Pub. L. 97-98, title XIV, §1435, Dec. 22, 1981, 95 Stat. 1313, defined “solar energy”.

**§3241. Education grants programs for Hispanic-serving institutions**

**(a) Grant authority**

The Secretary may make competitive grants to Hispanic-serving institutions for the purpose of promoting and strengthening the ability of Hispanic-serving institutions to carry out education, applied research, and related community development programs.

**(b) Use of grant funds**

Grants made under this section shall be used—

(1) to support the activities of Hispanic-serving institutions to enhance educational equity for underrepresented students;

(2) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agricultural sciences;

(3) to attract and support undergraduate and graduate students from underrepresented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(4) to facilitate cooperative initiatives between 2 or more Hispanic-serving institutions,

or between Hispanic-serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

**(c) Authorization of appropriations**

There are authorized to be appropriated to make grants under this section \$40,000,000 for each of fiscal years 1997 through 2012.

(Pub. L. 95-113, title XIV, § 1455, as added Pub. L. 104-127, title VIII, § 815(a), Apr. 4, 1996, 110 Stat. 1166; amended Pub. L. 105-185, title III, § 301(a)(11), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, § 7111, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, § 7128, May 22, 2008, 122 Stat. 1223; Pub. L. 110-246, § 4(a), title VII, § 7128, June 18, 2008, 122 Stat. 1664, 1985.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

For prior section 3241 and prior section 1455 of Pub. L. 95-113, see note set out preceding this section.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7128(1), struck out “(or grants without regard to any requirement for competition)” after “competitive grants”.

Subsec. (b)(1). Pub. L. 110-246, § 7128(2), struck out “of consortia” after “activities”.

Subsec. (c). Pub. L. 110-246, § 7128(3), substituted “\$40,000,000” for “\$20,000,000” and “2012” for “2007”.

2002—Subsec. (c). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (c). Pub. L. 105-185 substituted “each of fiscal years 1997 through 2002” for “fiscal year 1997”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3242. Transferred**

CODIFICATION

Section, Pub. L. 106-78, title VII, § 759, Oct. 22, 1999, 113 Stat. 1172, which related to education grants to Alaska Native serving institutions and Native Hawaiian serving institutions, was renumbered section 1419B of title XIV of Pub. L. 95-113, and amended by Pub. L. 110-234, title VII, § 7112, May 22, 2008, 122 Stat. 1219, and Pub. L. 110-246, § 4(a), title VII, § 7112, June 18, 2008, 122 Stat. 1664, 1980, and was transferred to section 3156 of this title.

**§ 3243. Hispanic-serving agricultural colleges and universities**

**(a) Definition of endowment fund**

In this section, the term “endowment fund” means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

**(b) Endowment**

**(1) In general**

The Secretary of the Treasury shall establish in accordance with this subsection a His-

panic-Serving Agricultural Colleges and Universities Fund.

**(2) Agreements**

The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

**(3) Deposit to the endowment fund**

The Secretary of the Treasury shall deposit in the endowment fund any—

(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

(B) interest earned on the endowment fund corpus.

**(4) Investments**

The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

**(5) Withdrawals and expenditures**

**(A) Corpus**

The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

**(B) Withdrawals**

On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

**(6) Endowments**

Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

**(7) Authorization of appropriations**

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

**(c) Authorization for annual payments**

**(1) In general**

For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

(A) \$80,000; by

(B) the number of Hispanic-serving agricultural colleges and universities.

**(2) Payments**

For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall

pay to the treasurer of each Hispanic-serving agricultural college and university an amount equal to—

(A) the total amount made available by appropriations under paragraph (1); divided by

(B) the number of Hispanic-serving agricultural colleges and universities.

**(3) Use of funds**

**(A) In general**

Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the “Second Morrill Act”) (7 U.S.C. 321 et seq.).

**(B) Relationship to other law**

Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

**(d) Institutional capacity-building grants**

**(1) In general**

For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

**(2) Criteria for institutional capacity-building grants**

**(A) Requirements for grants**

The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**(B) Demonstration of need**

**(i) In general**

As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

**(ii) Other sources of funding**

The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

**(C) Payment of non-Federal share**

A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

**(3) Authorization of appropriations**

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

**(e) Competitive grants program**

**(1) In general**

The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

**(2) Authorization of appropriations**

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(Pub. L. 95-113, title XIV, § 1456, as added Pub. L. 110-234, title VII, § 7129(a), May 22, 2008, 122 Stat. 1224, and Pub. L. 110-246, § 4(a), title VII, § 7129(a), June 18, 2008, 122 Stat. 1664, 1985.)

REFERENCES IN TEXT

Act of August 30, 1890 and that Act, referred to in subsec. (c)(3), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

For prior section 1456 of Pub. L. 95-113, see note set out preceding section 3241.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

SUBCHAPTER VIII—INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING

**§ 3291. International agricultural research, extension, and teaching**

**(a) Authority of Secretary**

To carry out the policy of this subchapter, the Secretary (in consultation with the Agency for International Development and subject to such coordination with other Federal officials, Departments, and agencies as the President may direct) may—

(1) expand the operational coordination of the Department of Agriculture with institutions and other persons throughout the world performing agricultural and related research, extension, and teaching activities by—

(A) exchanging research materials and results with the institutions or persons;

(B) conducting with the institutions or persons joint or coordinated research, extension, and teaching activities that address problems of significance to food and agriculture in the United States; and

(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United

States institutions, or Federal or State agencies;

(2) enter into cooperative arrangements with Departments and Ministries of Agriculture in other nations to conduct research, extension, and teaching activities in support of the development of a viable and sustainable global agricultural system, including efforts to establish a global system for plant genetic resources conservation;

(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

(A) the development of a viable and sustainable global agricultural system;

(B) antihunger and improved international nutrition efforts; and

(C) increased quantity, quality, and availability of food;

(4) further develop within the Department highly qualified and experienced science and education experts who specialize in international programs, to be available to carry out the activities described in this section;

(5) work with transitional and more advanced countries in food, agricultural, and related research, development, teaching, and extension (including providing technical assistance, training, and advice to persons from the countries engaged in the activities and the stationing of scientists and other specialists at national and international institutions in the countries);

(6) expand collaboration and coordination with the Agency for International Development regarding food and agricultural research, extension, and teaching programs in developing countries;

(7) assist colleges and universities in strengthening their capabilities for food, agricultural, and related research, extension, and teaching programs relevant to agricultural development activities in other countries through—

(A) the provision of support to State universities, land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities to do collaborative research with other countries on issues relevant to United States agricultural competitiveness;

(B) the provision of support for cooperative extension education in global agriculture and to promote the application of new technology developed in foreign countries to United States agriculture; and

(C) the provision of support for the internationalization of resident instruction programs of the universities and colleges described in subparagraph (A);

(8) continue, in cooperation with the Secretary of State, a program, coordinated through the International Arid Land Consor-

tium, to enhance collaboration and cooperation between institutions possessing research, extension, and teaching capabilities applied to the development, management, and reclamation of arid lands;

(9) make competitive grants for collaborative projects that—

(A) involve Federal scientists or scientists from land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, or other colleges and universities with scientists at international agricultural research centers in other nations, including the international agricultural research centers of the Consultative Group on International Agriculture Research;

(B) focus on developing and using new technologies and programs for—

(i) increasing the production of food and fiber, while safeguarding the environment worldwide and enhancing the global competitiveness of United States agriculture; or

(ii) training scientists;

(C) are mutually beneficial to the United States and other countries; and

(D) encourage private sector involvement and the leveraging of private sector funds;

(10) establish a program, to be coordinated by the Cooperative State Research, Education, and Extension Service and the Foreign Agricultural Service, to place interns from United States colleges and universities at Foreign Agricultural Service field offices overseas; and

(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).

**(b) Enhancing linkages**

The Secretary shall draw upon and enhance the resources of the land-grant colleges and universities, and other colleges and universities, for developing linkages among these institutions, the Federal Government, international research centers, and counterpart research, extension, and teaching agencies and institutions in both the developed and less-developed countries to serve the purposes of agriculture and the economy of the United States and to make a substantial contribution to the cause of improved food and agricultural progress throughout the world.

**(c) Provision of specialized or technical services**

The Secretary may provide specialized or technical services, on an advance of funds or a reimbursable basis, to United States colleges and universities and other nongovernmental organizations carrying out international food, agricultural, and related research, extension, and teaching development projects and activities. All funds received in payment for furnishing such specialized or technical services shall be deposited to the credit of the appropriation from which the cost of providing such services has been paid or is to be charged.

**(d) Reports**

The Secretary shall provide biennial reports to the Committee on Agriculture of the House of

Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on efforts of the Federal Government—

- (1) to coordinate international agricultural research within the Federal Government; and
- (2) to more effectively link the activities of domestic and international agricultural researchers, particularly researchers of the Agricultural Research Service.

**(e) Full payment of funds made available for certain binational projects**

Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund.

(Pub. L. 95-113, title XIV, §1458, Sept. 29, 1977, 91 Stat. 1015; Pub. L. 97-98, title XIV, §1436, Dec. 22, 1981, 95 Stat. 1313; Pub. L. 99-198, title XIV, §1418, Dec. 23, 1985, 99 Stat. 1550; Pub. L. 101-624, title XVI, §1613(a), (b), (d)(1), Nov. 28, 1990, 104 Stat. 3724, 3726; Pub. L. 102-237, title IV, §402(11), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, §816, Apr. 4, 1996, 110 Stat. 1167; Pub. L. 105-185, title II, §227(a)-(d), June 23, 1998, 112 Stat. 543-545; Pub. L. 107-171, title VII, §7209(c), May 13, 2002, 116 Stat. 445; Pub. L. 110-234, title VII, §§7130, 7511(c)(10)(B), May 22, 2008, 122 Stat. 1227, 1268; Pub. L. 110-246, §4(a), title VII, §§7130, 7511(c)(10)(B), June 18, 2008, 122 Stat. 1664, 1988, 2029.)

AMENDMENT OF SUBSECTION (a)(10)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2029, provided that, effective Oct. 1, 2009, subsection (a)(10) of this section is amended by substituting “the National Institute of Food and Agriculture” for “the Cooperative State Research, Education, and Extension Service”.*

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a)(1)(C). Pub. L. 110-246, §7130(1), added subpar. (C).

Subsec. (a)(3). Pub. L. 110-246, §7130(2), added par. (3) and struck out former par. (3) which read as follows: “enter into agreements with land-grant colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, World Bank, regional development banks, the International Agricultural Research Center), or other organizations, institutions or individuals with comparable goals, to promote and support the development of a viable and sustainable global agricultural system;”.

Subsec. (a)(7)(A). Pub. L. 110-246, §7130(3), substituted “, land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities” for “and land-grant colleges and universities”.

Subsec. (a)(9)(A). Pub. L. 110-246, §7130(4)(A), substituted “, Hispanic-serving agricultural colleges and universities, or other colleges and universities” for “or other colleges and universities”.

Subsec. (a)(11). Pub. L. 110-246, §7130(4)(B)-(6), added par. (11).

2002—Subsec. (a)(10). Pub. L. 107-171 added par. (10).

1998—Pub. L. 105-185, §227(a)(1), substituted “research, extension, and teaching” for “research and extension” in section catchline.

Subsec. (a)(1). Pub. L. 105-185, §227(a)(2)(A)(i), substituted “related research, extension, and teaching” for “related research and extension” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 105-185, §227(a)(2)(A)(ii), substituted “research, extension, and teaching activities that address” for “research and extension on”.

Subsec. (a)(2). Pub. L. 105-185, §227(a)(2)(B), substituted “teaching” for “education”.

Subsec. (a)(4). Pub. L. 105-185, §227(a)(2)(C), substituted “science and education experts” for “scientists and experts”.

Subsec. (a)(5). Pub. L. 105-185, §227(a)(2)(D), inserted “teaching,” after “development,”.

Subsec. (a)(6). Pub. L. 105-185, §227(a)(2)(B), substituted “teaching” for “education”.

Subsec. (a)(7). Pub. L. 105-185, §227(a)(2)(E), substituted “research, extension, and teaching programs” for “research and extension that is”.

Subsec. (a)(8). Pub. L. 105-185, §227(a)(2)(F), substituted “research, extension, and teaching capabilities” for “research capabilities”.

Subsec. (a)(9). Pub. L. 105-185, §227(b), added par. (9).

Subsec. (b). Pub. L. 105-185, §227(a)(3), substituted “counterpart research, extension, and teaching agencies” for “counterpart agencies”.

Subsec. (d). Pub. L. 105-185, §227(c), added subsec. (d).

Subsec. (e). Pub. L. 105-185, §227(d), added subsec. (e).

1996—Subsec. (a)(8). Pub. L. 104-127 substituted “continue” for “establish” after “(8)” and struck out “to be” before “coordinated”.

1991—Subsec. (a)(3). Pub. L. 102-237 substituted a semicolon for period at end.

1990—Pub. L. 101-624, §1613(d)(1)(A), inserted section catchline.

Subsec. (a). Pub. L. 101-624, §1613(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary, subject to such coordination with other Federal officials, departments, and agencies as the President may direct, is authorized to—

“(1) expand the operational coordination of the Department of Agriculture with institutions and other persons throughout the world performing agricultural and related research and extension activities by exchanging research materials and results with such institutions or persons and by conducting with such institutions or persons joint or coordinated research and extension on problems of significance to food and agriculture in the United States;

“(2) assist the Agency for International Development with food, agricultural, research and extension programs in developing countries;

“(3) work with developed and transitional countries on food, agricultural and related research and extension, including providing technical assistance, training, and advice to persons from such countries engaged in such activities and the stationing of scientists at national and international institutions in such countries;

“(4) assist United States colleges and universities in strengthening their capabilities for food, agricultural, and related research and extension relevant to agricultural development activities in other countries through the development of highly qualified scientists with specialization in international development; and

“(5) further develop within the Department of Agriculture highly qualified and experienced scientists who specialize in international programs, to be available for the activities described in this section.”

Subsec. (b). Pub. L. 101-624, §1613(d)(1)(B), inserted heading.

Subsec. (c). Pub. L. 101-624, §1613(b), (d)(1)(C), inserted heading and “and other nongovernmental organizations” after “universities”.

1985—Subsec. (a)(3). Pub. L. 99-198 substituted “providing technical assistance, training, and advice to” for “the training of”.

Subsec. (a)(4). Pub. L. 99-198 inserted “through the development of highly qualified scientists with specialization in international development” after “countries”.

1981—Pub. L. 97-98 designated existing provisions as subsec. (a), inserted provisions authorizing Secretary to work with transitional countries as well as developed countries on agricultural research and extension and establishing that agricultural research includes food, agricultural, and related research, and added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(10)(B) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

### § 3292. Repealed. Pub. L. 104-127, title VIII, § 856, Apr. 4, 1996, 110 Stat. 1172

Section, Pub. L. 95-113, title XIV, §1458A, as added Pub. L. 99-198, title XIV, §1419(a), Dec. 23, 1985, 99 Stat. 1550; amended Pub. L. 101-624, title XVI, § 1613(c), (d)(2), Nov. 28, 1990, 104 Stat. 3726, related to grants to States for international trade development centers.

### § 3292a. United States-Mexico joint agricultural research

#### (a) Research and development program

The Secretary may provide for an agricultural research and development program with the George E. Brown United States/Mexico Foundation for Science. The program shall focus on binational problems facing agricultural producers and consumers in the 2 countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

#### (b) Administration

Grants under the research and development program shall be awarded competitively through the Foundation.

#### (c) Matching requirements

The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least a dollar-for-dollar basis, any funds provided by the United States Government.

#### (d) Limitation on use of funds

Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(Pub. L. 95-113, title XIV, § 1459, as added Pub. L. 105-185, title II, § 228, June 23, 1998, 112 Stat. 545;

amended Pub. L. 106-74, title IV, § 423, Oct. 20, 1999, 113 Stat. 1095.)

#### PRIOR PROVISIONS

A prior section 1459 of Pub. L. 95-113 was classified to section 3301 of this title, prior to repeal by Pub. L. 99-198.

#### CHANGE OF NAME

“George E. Brown United States/Mexico Foundation for Science” substituted in subsec. (a) for “United States/Mexico Foundation for Science” pursuant to section 423 of Pub. L. 106-74, set out below.

Pub. L. 106-74, title IV, § 423, Oct. 20, 1999, 113 Stat. 1095, provided in part: “That the United States/Mexico Foundation for Science is renamed the ‘George E. Brown United States/Mexico Foundation for Science’.”

### § 3292b. Competitive grants for international agricultural science and education programs

#### (a) Competitive grants authorized

The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

#### (b) Purpose of grants

Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

(4) enhance the capabilities of colleges and universities to provide cooperative extension education to promote the application of new technology developed in foreign countries to United States agriculture; and

(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

#### (c) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 95-113, title XIV, § 1459A, as added Pub. L. 105-185, title II, § 229, June 23, 1998, 112 Stat.

545; amended Pub. L. 107-171, title VII, §7112, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §7131, May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, §4(a), title VII, §7131, June 18, 2008, 122 Stat. 1664, 1989.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, §7131, substituted “2012” for “2007”.

2002—Subsec. (c). Pub. L. 107-171 substituted “2007” for “2002”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3293. Agricultural fellowship program for middle income countries, emerging democracies, and emerging markets

#### (a) Establishment

The Secretary of Agriculture shall establish a fellowship program for,<sup>1</sup> to be known as the “Cochran Fellowship Program”, to provide fellowships to individuals from eligible countries (as determined under subsection (b) of this section) who specialize in agriculture for study in the United States.

#### (b) Eligible countries

Countries described in any of the following paragraphs shall be eligible to participate in the program established under this section:

##### (1) Middle-income country

A country that has developed economically to the point where it no longer qualifies for bilateral foreign aid assistance from the United States because its per capita income level exceeds the eligibility requirements of such assistance programs (hereafter referred to in this section as a “middle-income” country).

##### (2) Ongoing relationship

A middle-income country that has never qualified for bilateral foreign aid assistance from the United States, but with respect to which an ongoing relationship with the United States, including technical assistance and training, would provide mutual benefits to such country and the United States.

##### (3) Type of government

A country that has recently begun the transformation of its system of government from a non-representative type of government to a representative democracy and that is encouraging democratic institution building, and the cultural values, institutions, and organizations of democratic pluralism.

##### (4) Independent states of the former Soviet Union

A country that is an independent state of the former Soviet Union (as defined in section

5602(8) of this title), to the extent that the Secretary of Agriculture determines that such country should be eligible to participate in the program established under this section.

#### (5) Emerging market

Any emerging market, as defined in section 1542(f).

#### (c) Purpose of fellowships

Fellowships under this section shall be provided to permit the recipients to gain knowledge and skills that will—

(1) assist eligible countries to develop agricultural systems necessary to meet the food and fiber needs of their domestic populations; and

(2) strengthen and enhance trade linkages between eligible countries and agricultural interests in the United States.

#### (d) Individuals who may receive fellowships

The Secretary shall utilize the expertise of United States agricultural counselors, trade officers, and commodity trade promotion groups working in participating countries to help identify program candidates for fellowships under this section from both the public and private sectors of those countries. The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.

#### (e) Program implementation

The Secretary shall consult with other United States Government agencies, United States universities, and the private agribusiness sector, as appropriate, to design and administer training programs to accomplish the objectives of the program established under this section.

#### (f) Authorization of appropriations

There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the program established under this section, except that the amount of such funds in any fiscal year shall not exceed—

(1) for eligible countries that meet the requirements of subsection (b)(1) of this section, \$3,000,000;

(2) for eligible countries that meet the requirements of subsection (b)(2) of this section, \$2,000,000; and

(3) for eligible countries that meet the requirements of subsection (b)(3) of this section, \$5,000,000.

#### (g) Complementary funds

If the Secretary of Agriculture determines that it is advisable in furtherance of the purposes of the program established under this section, the Secretary may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and may, in any manner, dispose of all such holdings and use the receipts generated from such disposition as general program funds under this section. All funds so designated for the program established under this section shall remain available until expended.

(Pub. L. 101-624, title XV, §1543, Nov. 28, 1990, 104 Stat. 3694; Pub. L. 102-237, title X, §1002, Dec. 13, 1991, 105 Stat. 1894; Pub. L. 102-511, title VII,

<sup>1</sup> So in original. The word “for” probably should not appear.

§ 705, Oct. 24, 1992, 106 Stat. 3349; Pub. L. 104-127, title II, § 277(b), Apr. 4, 1996, 110 Stat. 978.)

## REFERENCES IN TEXT

Section 1542(f), referred to in subsec. (b)(5), is section 1542(f) of Pub. L. 101-624, which is set out as a note under section 5622 of this title.

## CODIFICATION

Section was enacted as part of the Agricultural Development and Trade Act of 1990, and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

## AMENDMENTS

1996—Pub. L. 104-127, § 277(b)(1), in section catchline, substituted “middle income countries, emerging democracies, and emerging markets” for “middle income countries and emerging democracies”.

Subsec. (b)(5). Pub. L. 104-127, § 277(b)(2), added par. (5).

Subsec. (c)(1). Pub. L. 104-127, § 277(b)(3), substituted “food and fiber needs” for “food needs”.

1992—Subsec. (a). Pub. L. 102-511, § 705(a)(1), struck out “middle income countries and emerging democracies” after “fellowship program for” and inserted “(as determined under subsection (b) of this section)” after “eligible countries”.

Subsec. (b). Pub. L. 102-511, § 705(a)(2), substituted “described in any of the following paragraphs” for “that meet the following requirements” in introductory provisions and added par. (4).

Subsec. (d). Pub. L. 102-511, § 705(b), inserted at end “The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.”

1991—Subsec. (e). Pub. L. 102-237 substituted “program” for “Program”.

### § 3294. Center For North American Studies

#### (a) Establishment

The Secretary of Agriculture shall establish a center, to be known as the Center For North American Studies, whose primary purpose shall be to promote better agricultural relationships among Canada, Mexico, and the United States through cooperative study, training, and research.

#### (b) Location

The Institute shall be located at an institution of higher education or at a consortium of such institutions.

#### (c) Authorization of appropriations

To carry out this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1994 and such sums as may necessary for each of fiscal years 1995 and 1996.

(Pub. L. 102-532, § 4, Oct. 27, 1992, 106 Stat. 3512.)

## CODIFICATION

Section was enacted as part of the Enterprise for the Americas Initiative Act of 1992, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

## SUBCHAPTER IX—STUDIES

### §§ 3301 to 3304. Repealed. Pub. L. 99-198, title XIV, § 1421, Dec. 23, 1985, 99 Stat. 1552

Section 3301, Pub. L. 95-113, title XIV, § 1459, Sept. 29, 1977, 91 Stat. 1016, required Secretary of Agriculture to

transmit to Congress, not later than March 31, 1979, an evaluation of economic and social consequences of programs of Extension Service and cooperative extension services.

Section 3302, Pub. L. 95-113, title XIV, § 1460, Sept. 29, 1977, 91 Stat. 1016, required Secretary to conduct a comprehensive study of effects of changing climate and weather on crop and livestock productivity and submit a report, with recommendations, to President and Congress within twelve months after Sept. 29, 1977.

Section 3303, Pub. L. 95-113, title XIV, § 1461, Sept. 29, 1977, 91 Stat. 1016, required Secretary to conduct, and, within twelve months after September 29, 1977, submit to President and Congress a report containing results of and Secretary's recommendations concerning an investigation and analysis of practicability, desirability, and feasibility of collecting organic waste materials.

Section 3304, Pub. L. 95-113, title XIV, § 1462, Sept. 29, 1977, 91 Stat. 1017, required Secretary to conduct a comprehensive study of status and future needs of agricultural research facilities and, within fourteen months after September 29, 1977, submit to President and Congress a report on this study, with recommendations.

### SUBCHAPTER X—FUNDING AND MISCELLANEOUS PROVISIONS

### § 3310. Limitation on indirect costs for agricultural research, education, and extension programs

#### (a) In general

Except as otherwise provided in law, indirect costs charged against any agricultural research, education, or extension grant awarded under this Act or any other Act pursuant to authority delegated to the Under Secretary of Agriculture for Research, Education, and Economics shall not exceed 22 percent of the total Federal funds provided under the grant award, as determined by the Secretary.

#### (b) Exception

Subsection (a) of this section shall not apply to a grant awarded competitively under section 638 of title 15.

(Pub. L. 95-113, title XIV, § 1462, as added Pub. L. 105-185, title II, § 230(a), June 23, 1998, 112 Stat. 546; amended Pub. L. 107-171, title VII, § 7222, May 13, 2002, 116 Stat. 454; Pub. L. 110-234, title VII, § 7132(a), May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, § 4(a), title VII, § 7132(a), June 18, 2008, 122 Stat. 1664, 1989.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## PRIOR PROVISIONS

A prior section 1462 of Pub. L. 95-113 was classified to section 3304 of this title, prior to repeal by Pub. L. 99-198.

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7132(a), substituted “any agricultural” for “a competitive agricultural” and “22 percent” for “19 percent”.

2002—Pub. L. 107-171 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of

Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3310a. Research equipment grants

#### (a) In general

The Secretary may make competitive grants for the acquisition of special purpose scientific research equipment for use in the food and agricultural sciences programs of eligible institutions described in subsection (b) of this section.

#### (b) Eligible institutions

The Secretary may make a grant under this section to—

- (1) a college or university; or
- (2) a State cooperative institution.

#### (c) Maximum amount

The amount of a grant made to an eligible institution under this section may not exceed \$500,000.

#### (d) Prohibition on charge of equipment as indirect costs

The cost of acquisition or depreciation of equipment purchased with a grant under this section shall not be—

- (1) charged as an indirect cost against another Federal grant; or
- (2) included as part of the indirect cost pool for purposes of calculating the indirect cost rate of an eligible institution.

#### (e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2012.

(Pub. L. 95-113, title XIV, §1462A, as added Pub. L. 107-171, title VII, §7402, May 13, 2002, 116 Stat. 456; amended Pub. L. 110-234, title VII, §7133, May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, §4(a), title VII, §7133, June 18, 2008, 122 Stat. 1664, 1989.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (e). Pub. L. 110-246, §7133, substituted “2012” for “2007”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3311. Authorization of appropriations

#### (a) Existing programs

Notwithstanding any authorization for appropriations for agricultural research in any Act enacted prior to September 29, 1977, there are hereby authorized to be appropriated for the purposes of carrying out the provisions of this chapter, except sections 3152,<sup>1</sup> and 2669 of this title, and the competitive grants program provided for in section 450i of this title, and except

<sup>1</sup> So in original. The comma probably should not appear.

that the authorization for moneys provided under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), is excluded and is provided for in subsection (b) of this section, such sums as may be necessary for each of fiscal years 1991 through 2012.

#### (b) Agricultural research at State agricultural experiment stations

Notwithstanding any authorization for appropriations for agricultural research at State agricultural experiment stations in any Act enacted prior to September 29, 1977, there are authorized to be appropriated for the purpose of conducting agricultural research at State agricultural experiment stations pursuant to the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), such sums as may be necessary for each of fiscal years 1991 through 2012.

#### (c) Funding requirements for programs

Notwithstanding any other provision of law effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the Secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 (7 U.S.C. 450i); the animal health research program provided for under sections 3195 and 3196 of this title; the native latex research program provided for in the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178 et seq.); and the research provided for under various statutes for which funds are appropriated under the Agricultural Research heading or a successor heading, shall be appropriated for research at State agricultural experiment stations pursuant to the provision of the Act of March 2, 1887.

(Pub. L. 95-113, title XIV, §1463, Sept. 29, 1977, 91 Stat. 1017; Pub. L. 97-98, title XIV, §1437, Dec. 22, 1981, 95 Stat. 1314; Pub. L. 99-198, title XIV, §1422, Dec. 23, 1985, 99 Stat. 1552; Pub. L. 101-624, title XVI, §1601(b)(3), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 102-237, title IV, §402(12), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, §§817, 884(d), Apr. 4, 1996, 110 Stat. 1167, 1179; Pub. L. 105-185, title III, §301(a)(12), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7113, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §§7110(b), 7134, May 22, 2008, 122 Stat. 1219, 1228; Pub. L. 110-246, §4(a), title VII, §§7110(b), 7134, June 18, 2008, 122 Stat. 1664, 1980, 1989.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

Act of March 2, 1887, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

Act of October 10, 1962, referred to in subsec. (c), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also

as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

The Native Latex Commercialization and Economic Development Act of 1978, referred to in subsec. (c), is Pub. L. 95-592, Nov. 4, 1978, 92 Stat. 2529, as amended, which, as amended by Pub. L. 98-284, May 16, 1984, 98 Stat. 181, is known as the Critical Agricultural Materials Act and is classified principally to subchapter II (§178 et seq.) of chapter 8A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 178 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §§7110(b), 7134, struck out “3154,” after “3152,” and substituted “2012” for “2007”.

Subsec. (b). Pub. L. 110-246, §7134, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171, §7113(1), substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$850,000,000 for each of the fiscal years 1991 through 2002”.

Subsec. (b). Pub. L. 107-171, §7113(2), substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$310,000,000 for each of the fiscal years 1991 through 2002”.

1998—Subsecs. (a), (b). Pub. L. 105-185 substituted “2002” for “1997”.

1996—Subsec. (a). Pub. L. 104-127, §884(d), struck out “390 to 390j,” before “3152, 3154”.

Pub. L. 104-127, §817, substituted “1997” for “1995”.

Subsec. (b). Pub. L. 104-127, §817, substituted “1997” for “1995”.

1991—Subsec. (a). Pub. L. 102-237 struck out “subchapter VII of this chapter and” after “chapter, except”.

1990—Subsec. (a). Pub. L. 101-624, §1601(b)(3)(A), substituted “\$850,000,000 for each of the fiscal years 1991 through 1995” for “\$600,000,000 for the fiscal year ending September 30, 1986, \$610,000,000 for the fiscal year ending September 30, 1987, \$620,000,000 for the fiscal year ending September 30, 1988, \$630,000,000 for the fiscal year ending September 30, 1989, and \$640,000,000 for the fiscal year ending September 30, 1990.”

Subsec. (b). Pub. L. 101-624, §1601(b)(3)(B), substituted “\$310,000,000 for each of the fiscal years 1991 through 1995” for “\$270,000,000 for the fiscal year ending September 30, 1986, \$280,000,000 for the fiscal year ending September 30, 1987, \$290,000,000 for the fiscal year ending September 30, 1988, \$300,000,000 for the fiscal year ending September 30, 1989, and \$310,000,000 for the fiscal year ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198, §1422(a), substituted “\$600,000,000 for the fiscal year ending September 30, 1986, \$610,000,000 for the fiscal year ending September 30, 1987, \$620,000,000 for the fiscal year ending September 30, 1988, \$630,000,000 for the fiscal year ending September 30, 1989, and \$640,000,000 for the fiscal year ending September 30, 1990” for “\$505,000,000 for the fiscal year ending September 30, 1978, \$575,000,000 for the fiscal year ending September 30, 1979, \$645,000,000 for the fiscal year ending September 30, 1980, \$715,000,000 for the fiscal year ending September 30, 1981, \$780,000,000 for the fiscal year ending September 30, 1982, \$780,000,000 for the fiscal year ending September 30, 1983, \$835,000,000 for the fiscal year ending September 30, 1984, and \$890,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year”.

Subsec. (b). Pub. L. 99-198, §1422(b), substituted “\$270,000,000 for the fiscal year ending September 30, 1986, \$280,000,000 for the fiscal year ending September 30, 1987, \$290,000,000 for the fiscal year ending September 30, 1988, \$300,000,000 for the fiscal year ending September 30, 1989, and \$310,000,000 for the fiscal year ending September 30, 1990” for “\$120,000,000 for the fiscal year ending September 30, 1978, \$145,000,000 for the fiscal year ending September 30, 1979, \$170,000,000 for the fiscal year ending September 30, 1980, \$195,000,000 for the fiscal year ending September 30, 1981, \$220,000,000 for the fiscal year ending September 30, 1982, \$230,000,000 for the fiscal year ending September 30, 1983, \$240,000,000 for the fiscal year ending September 30, 1984, and \$250,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after September 29, 1977 be authorized by law for any subsequent fiscal year”.

1981—Subsec. (a). Pub. L. 97-98, §1437(1), inserted provisions authorizing appropriations of \$780,000,000 for fiscal year ending Sept. 30, 1983, \$835,000,000 for fiscal year ending Sept. 30, 1984, and \$890,000,000 for fiscal year ending Sept. 30, 1985.

Subsec. (b). Pub. L. 97-98, §1437(2), inserted provisions authorizing appropriations of \$230,000,000 for fiscal year ending Sept. 30, 1983, \$240,000,000 for fiscal year ending Sept. 30, 1984, and \$250,000,000 for fiscal year ending Sept. 30, 1985.

Subsec. (c). Pub. L. 97-98, §1437(3), added subsec. (c).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 1422(a) and (b) of Pub. L. 99-198 provided that the amendments made by that section are effective Oct. 1, 1985.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

### § 3312. Authorization of appropriations for extension education

Notwithstanding any authorization for appropriations for the Cooperative Extension Service in any Act enacted prior to September 29, 1977, there are hereby authorized to be appropriated for the purposes of carrying out the extension programs of the Department of Agriculture such sums as may be necessary for each of fiscal years 1991 through 2012.

(Pub. L. 95-113, title XIV, §1464, Sept. 29, 1977, 91 Stat. 1018; Pub. L. 97-98, title XIV, §1438, Dec. 22, 1981, 95 Stat. 1314; Pub. L. 99-198, title XIV, §1423, Dec. 23, 1985, 99 Stat. 1552; Pub. L. 101-624, title XVI, §1601(b)(4), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §818, Apr. 4, 1996, 110 Stat. 1167; Pub. L. 105-185, title III, §301(a)(13), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7114, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §7135, May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, §4(a), title VII, §7135, June 18, 2008, 122 Stat. 1664, 1990.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Pub. L. 110-246, §7135, substituted “2012” for “2007”.

2002—Pub. L. 107-171 substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$420,000,000 for fiscal year 1991, \$430,000,000 for fiscal year 1992, \$440,000,000 for fiscal year 1993, \$450,000,000 for fiscal year 1994, and \$460,000,000 for each of fiscal years 1995 through 2002”.

1998—Pub. L. 105-185 substituted “2002” for “1997”.

1996—Pub. L. 104-127 substituted “each of fiscal years 1995 through 1997” for “fiscal year 1995”.

1990—Pub. L. 101-624 substituted “\$420,000,000 for fiscal year 1991, \$430,000,000 for fiscal year 1992, \$440,000,000 for fiscal year 1993, \$450,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995” for “\$370,000,000 for the fiscal year ending September 30, 1986, \$380,000,000 for the fiscal year ending September 30, 1987, \$390,000,000 for the fiscal year ending September 30, 1988, \$400,000,000 for the fiscal year ending September 30, 1989, and \$420,000,000 for the fiscal year ending September 30, 1990.”

1985—Pub. L. 99-198 substituted “\$370,000,000 for the fiscal year ending September 30, 1986, \$380,000,000 for the fiscal year ending September 30, 1987, \$390,000,000 for the fiscal year ending September 30, 1988, \$400,000,000 for the fiscal year ending September 30, 1989, and \$420,000,000 for the fiscal year ending September 30, 1990” for “\$260,000,000 for the fiscal year ending September 30, 1978, \$280,000,000 for the fiscal year ending September 30, 1979, \$300,000,000 for the fiscal year ending September 30, 1980, \$320,000,000 for the fiscal year ending September 30, 1981, \$350,000,000 for the fiscal year ending September 30, 1982, \$360,000,000 for the fiscal year ending September 30, 1983, \$370,000,000 for the fiscal year ending September 30, 1984, and \$380,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year”.

1981—Pub. L. 97-98 inserted provisions authorizing appropriations of \$360,000,000 for fiscal year ending Sept. 30, 1983, \$370,000,000 for fiscal year ending Sept. 30, 1984, and \$380,000,000 for fiscal year ending Sept. 30, 1985.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

## EFFECTIVE DATE OF 1985 AMENDMENT

Section 1423 of Pub. L. 99-198 provided that the amendment made by that section is effective Oct. 1, 1985.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3313. Payment of funds**

Except as provided elsewhere in this Act or any other Act of Congress, funds available for allotment under this chapter shall be paid to each eligible institution or State at such time and in such amounts as shall be determined by the Secretary.

(Pub. L. 95-113, title XIV, §1467, Sept. 29, 1977, 91 Stat. 1018.)

## REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 3102 of this title.

**§ 3314. Repealed. Pub. L. 105-185, title I, § 103(f)(3)(C), June 23, 1998, 112 Stat. 528**

Section, Pub. L. 95-113, title XIV, §1468, Sept. 29, 1977, 91 Stat. 1018, related to withholding of funds if Secretary determines institution or State is not entitled to allotment under this chapter.

**§ 3315. Auditing, reporting, bookkeeping, and administrative requirements****(a) In general**

Except as provided elsewhere in this Act or any other Act of Congress—

(1) assistance provided under this chapter shall be subject to the provisions of sections 450i(e), 450i(f), and 450i(h)<sup>1</sup> of this title;

(2) the Secretary shall provide that each recipient of assistance under this chapter shall submit an annual report, at such times and on such forms as the Secretary shall prescribe, stating the accomplishments of projects (on a project-by-project basis) for which such assistance was used and accounting for the use of all such assistance. If the Secretary determines that any portion of funds made available under this chapter has been lost or applied in a manner inconsistent with the provisions of this chapter or regulations issued thereunder the recipient of such funds shall reimburse the Federal Government for the funds lost or so applied, and the Secretary shall not make available to such recipient any additional funds under this Act until the recipient has so reimbursed the Federal Government;

(3) the Secretary may retain up to 4 percent of amounts made available for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and

(4) the Secretary shall establish appropriate criteria for grant and assistance approval and necessary regulations pertaining thereto.

**(b) Community food projects**

The Secretary may retain, for the administration of community food projects under section 2034 of this title, 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

**(c) Peer panel expenses**

Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

**(d) “In-kind support” defined**

In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term “in-kind support”,

<sup>1</sup> See References in Text note below.

with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.

(Pub. L. 95-113, title XIV, §1469, Sept. 29, 1977, 91 Stat. 1019; Pub. L. 105-185, title II, §230(b), June 23, 1998, 112 Stat. 547; Pub. L. 110-234, title IV, §4002(b)(1)(B), (2)(H), title VII, §7132(b), May 22, 2008, 122 Stat. 1096, 1097, 1228; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (2)(H), title VII, §7132(b), June 18, 2008, 122 Stat. 1664, 1857, 1858, 1989.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

Sections 450i(e), 450i(f), and 450i(h) of this title, referred to in subsec. (a)(1), were redesignated as sections 450i(f), 450i(g), and 450i(i), respectively, by Pub. L. 101-624, title XIV, §1497(1), Nov. 28, 1990, 104 Stat. 3630.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-246, §7132(b), substituted “made available” for “appropriated”.

Subsec. (b). Pub. L. 110-246, §4002(b)(1)(B), (2)(H), made technical amendment to reference in original act which appears in text as reference to section 2034 of this title.

1998—Pub. L. 105-185, §230(b)(1), reenacted section catchline without change, designated existing provisions as subsec. (a), and inserted heading.

Subsec. (a)(3). Pub. L. 105-185, §230(b)(2), added par. (3) and struck out former par. (3) which read as follows: “three per centum of the appropriations shall be retained by the Secretary for the administration of the programs authorized under this chapter; and”.

Subsecs. (b) to (d). Pub. L. 105-185, §230(b)(3), added subsecs. (b) to (d).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4002(b)(1)(B), (2)(H) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### § 3315a. Availability of competitive grant funds

Except as otherwise provided by law, funds made available to the Secretary to carry out a competitive agricultural research, education, or extension grant program under this or any other Act shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

(Pub. L. 95-113, title XIV, §1469A, as added Pub. L. 107-171, title VII, §7217, May 13, 2002, 116 Stat. 449.)

#### § 3316. Rules and regulations

The Secretary is authorized to issue such rules and regulations as the Secretary deems nec-

essary to carry out the provisions of this chapter.

(Pub. L. 95-113, title XIV, §1470, Sept. 29, 1977, 91 Stat. 1019.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 3102 of this title.

#### § 3317. Program evaluation studies

(a) The Secretary shall regularly conduct program evaluations to meet the purposes of this chapter and the responsibilities assigned to the Secretary and the Department of Agriculture in this chapter. Such evaluations shall be designed to provide information that may be used to improve the administration and effectiveness of agricultural research, extension, and teaching programs in achieving their stated objectives.

(b) The Secretary is authorized to encourage and foster the regular evaluation of agricultural research, extension, and teaching programs within the State agricultural experiment stations, cooperative extension services, and colleges and universities, through the development and support of cooperative evaluation programs and program evaluation centers and institutes.

(Pub. L. 95-113, title XIV, §1471, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1314.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

#### § 3318. Contract, grant, and cooperative agreement authorities

##### (a) Purposes, nature and construction

The purpose of this section is to confer upon the Secretary general authority to enter into contracts, grants, and cooperative agreements to further the research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture. This authority supplements all other laws relating to the Department of Agriculture and is not to be construed as limiting or repealing any existing authorities.

##### (b) Authority of Secretary; legal effect of agreement; participation by other Federal agencies

(1) Notwithstanding chapter 63 of title 31, the Secretary may use a cooperative agreement as the legal instrument reflecting a relationship between the Secretary and a State cooperative institution, State department of agriculture, college, university, other research or educational institution or organization, Federal or private agency or organization, individual, or any other party, if the Secretary determines that—

(A) the objectives of the agreement will serve a mutual interest of the parties to the agreement in agricultural research, extension,

and teaching activities, including statistical reporting; and

(B) all parties will contribute resources to the accomplishment of those objectives.

(2) Notwithstanding any other provision of law, any Federal agency may participate in any such cooperative agreement by contributing funds through the appropriate agency of the Department of Agriculture or otherwise if it is mutually agreed that the objectives of the agreement will further the authorized programs of the contributing agency.

**(c) Duration and eligibility**

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed five years, with State agricultural experiment stations, State cooperative extension services, all colleges and universities, other research or education institutions and organizations, Federal and private agencies and organizations, individuals, and any other contractor or recipient, either foreign or domestic, to further research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture.

**(d) Vesting of title**

The Secretary may vest title to expendable and nonexpendable equipment and supplies and other tangible personal property in the contractor or recipient when the contractor or recipient purchases such equipment, supplies, and property with contract, grant, or cooperative agreement funds and the Secretary deems such vesting of title a furtherance of the agricultural research, extension, or teaching objectives of the Department of Agriculture.

**(e) Applicable requirements**

Unless otherwise provided in this chapter, the Secretary may enter into contracts, grants, or cooperative agreements, as authorized by this section, without regard to any requirements for competition, the provisions of section 5 of title 41, and the provisions of section 3324(a) and (b) of title 31.

(Pub. L. 95-113, title XIV, §1472, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1315; amended Pub. L. 99-198, title XIV, §1424, Dec. 23, 1985, 99 Stat. 1552.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (e), see note set out under section 3102 of this title.

CODIFICATION

In subsec. (e), “section 3324(a) and (b) of title 31” substituted for reference to section 3648 of the Revised Statutes (31 U.S.C. 529) on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1985—Subsecs. (b) to (e). Pub. L. 99-198 added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

**§ 3319. Restriction on treatment of indirect costs and tuition remission**

Funds made available by the Secretary under established Federal-State partnership arrangements to State cooperative institutions under the Acts referred to in section 3103(18) of this title and funds made available under subsection (c)(1)(B) of section 450i of this title shall not be subject to reduction for indirect costs or for tuition remission. No indirect costs or tuition remission shall be charged against funds in connection with cooperative agreements between the Department of Agriculture and State cooperative institutions if the cooperative program or project involved is of mutual interest to all the parties and if all the parties contribute to the cooperative agreement involved. The prohibition on the use of such funds for the reimbursement of indirect costs shall not apply to funds for international agricultural programs conducted by a State cooperative institution and administered by the Secretary or to funds provided by a Federal agency for such cooperative program or project through a fund transfer, advance, or reimbursement. The Secretary shall limit the amount of such reimbursement to an amount necessary to carry out such program or agreement.

(Pub. L. 95-113, title XIV, §1473, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1315; amended Pub. L. 99-198, title XIV, §1425, Dec. 23, 1985, 99 Stat. 1553; Pub. L. 102-237, title IV, §402(13), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 110-234, title VII, §§7101(b)(4), 7406(d)(1), May 22, 2008, 122 Stat. 1213, 1252; Pub. L. 110-246, §4(a), title VII, §§7101(b)(4), 7406(d)(1), June 18, 2008, 122 Stat. 1664, 1975, 2013.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Pub. L. 110-246, §7406(d)(1), struck out “and subsection (d)” before “of section 450i”.

Pub. L. 110-246, §7101(b)(4), substituted “section 3103(18)” for “section 3103(16)”.

1991—Pub. L. 102-237 substituted “subsection (c)(1)(B)” for “subsection (c)(2)”.

1985—Pub. L. 99-198 inserted provisions making prohibition on use of funds for reimbursement of indirect costs inapplicable to funds for international agricultural programs but required the Secretary to limit the reimbursement to amounts necessary to carry out the programs.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7406(d)(1) of Pub. L. 110-246 inapplicable to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before June 18, 2008, see section 7406(c) of Pub. L. 110-246, set out as a note under section 450i of this title.

## EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

**§ 3319a. Cost-reimbursable agreements**

Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cost-reimbursable agreements with State cooperative institutions or other colleges and universities without regard to any requirement for competition, for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest. Reimbursable costs under such agreements shall include the actual direct costs of performance, as mutually agreed on by the parties, and the indirect costs of performance, not exceeding 10 percent of the direct cost.

(Pub. L. 95-113, title XIV, §1473A, as added Pub. L. 99-198, title XIV, §1426, Dec. 23, 1985, 99 Stat. 1553; amended Pub. L. 105-185, title II, §231, June 23, 1998, 112 Stat. 547.)

## AMENDMENTS

1998—Pub. L. 105-185 inserted “or other colleges and universities” after “institutions” in first sentence.

**§ 3319b. Joint requests for proposals****(a) In general**

In carrying out any competitive agricultural research, education, or extension grant program authorized under this or any other Act, the Secretary may cooperate with 1 or more other Federal agencies (including the National Science Foundation) in issuing joint requests for proposals, awarding grants, and administering grants, for similar or related research, education, or extension projects or activities.

**(b) Administration****(1) Secretary**

The Secretary may delegate authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part, to a cooperating Federal agency.

**(2) Cooperating Federal agency**

The cooperating Federal agency may delegate to the Secretary authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part.

**(c) Regulations**

The Secretary and a cooperating Federal agency may agree to make applicable to recipients of grants—

(1) the post-award grant administration regulations applicable to recipients of grants from the Secretary; or

(2) the post-award grant administration regulations applicable to recipients of grants from the cooperating Federal agency.

**(d) Joint peer review panels**

Subject to section 3129a of this title, the Secretary and a cooperating Federal agency may establish joint peer review panels for the purpose of evaluating grant proposals.

(Pub. L. 95-113, title XIV, §1473B, as added Pub. L. 107-171, title VII, §7403(b), May 13, 2002, 116 Stat. 456.)

## PRIOR PROVISIONS

A prior section 3319b, Pub. L. 95-113, title XIV, §1473B, as added Pub. L. 99-198, title XIV, §1427, Dec. 23, 1985, 99 Stat. 1553, provided for technology development for small- and medium-sized farming operations, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(E), Nov. 28, 1990, 104 Stat. 3704.

## PURPOSES

Pub. L. 107-171, title VII, §7403(a), May 13, 2002, 116 Stat. 456, provided that:

“The purposes of this section [enacting this section] are—

“(1) to reduce the duplication of administrative functions relating to grant awards and administration among Federal agencies conducting similar types of research, education, and extension programs;

“(2) to maximize the use of peer review resources in research, education, and extension programs; and

“(3) to reduce the burden on potential recipients that may offer similar proposals to receive competitive grants under different Federal programs in overlapping subject areas.”

**§ 3319c. Repealed. Pub. L. 101-624, title XVI, § 1601(f)(1)(F), Nov. 28, 1990, 104 Stat. 3704**

Section, Pub. L. 95-113, title XIV, §1473C, as added Pub. L. 99-198, title XIV, §1427, Dec. 23, 1985, 99 Stat. 1554, provided for a special technology development research program.

**§ 3319d. Supplemental and alternative crops****(a) Research and pilot project program**

Notwithstanding any other provision of law, during the period beginning October 1, 1986, and ending September 30, 2012, the Secretary shall develop and implement a research project program for the development of supplemental and alternative crops, using such funds as are appropriated to the Secretary each fiscal year under this chapter.

**(b) Importance to producers**

The development of supplemental and alternative crops is of critical importance to producers of agricultural commodities whose livelihood is threatened by the decline in demand experienced with respect to certain of their crops due to changes in consumption patterns or other related causes.

**(c) Research funding, special or competitive grants, etc.; program requirements; agreements, grants and other arrangements**

(1) The Secretary shall use such research funding, special or competitive grants, or other means, as the Secretary determines, to further the purposes of this section in the implementation of a comprehensive and integrated program.

(2) The program developed and implemented by the Secretary shall include—

(A) an examination of the adaptation of supplemental and alternative crops;

(B) the establishment and extension of various methods of planting, cultivating, harvesting, and processing supplemental and alternative crops;

(C) the transfer of such applied research to on-farm practice as soon as practicable;

(D) the establishment through grants, cooperative agreements, or other means of such processing, storage, and transportation facilities for supplemental and alternative crops as

the Secretary determines will facilitate the achievement of a successful program; and

(E) the application of such other resources and expertise as the Secretary considers appropriate to support the program.

(3) The program may include, but shall not be limited to, agreements, grants, and other arrangements—

(A) to conduct comprehensive resource and infrastructure assessments;

(B) to develop and introduce supplemental and alternative income-producing crops;

(C) to develop and expand domestic and export markets for such crops;

(D) to provide technical assistance to farm owners and operators, marketing cooperatives, and others;

(E) to conduct fundamental and applied research related to the development of new commercial products derived from natural plant material for industrial, medical, and agricultural applications; and

(F) to participate with colleges and universities, other Federal agencies, and private sector entities in conducting research described in subparagraph (E).

**(d) Use of expertise and resources of other Federal agencies and land-grant colleges and universities**

The Secretary shall use the expertise and resources of the Agricultural Research Service, the Cooperative State Research Service, the Extension Service, and the land-grant colleges and universities for the purpose of carrying out this section.

(Pub. L. 95-113, title XIV, §1473D, as added Pub. L. 99-198, title XIV, §1428, Dec. 23, 1985, 99 Stat. 1554; amended Pub. L. 101-624, title XVI, §1601(b)(5), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §819, Apr. 4, 1996, 110 Stat. 1167; Pub. L. 105-185, title III, §301(a)(14), title VI, §606(a), June 23, 1998, 112 Stat. 562, 603; Pub. L. 107-171, title VII, §7115, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §§7136, 7511(c)(13), May 22, 2008, 122 Stat. 1228, 1268; Pub. L. 110-246, §4(a), title VII, §§7136, 7511(c)(13), June 18, 2008, 122 Stat. 1664, 1990, 2030.)

AMENDMENT OF SUBSECTION (d)

*Pub. L. 110-246, title VII, §7511(c), June 18, 2008, 122 Stat. 2028, 2030, provided that, effective Oct. 1, 2009, subsection (d) of this section is amended by substituting “the National Institute of Food and Agriculture” for “the Cooperative State Research Service, the Extension Service”.*

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7136, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, §301(a)(14), substituted “2002” for “1997”.

Subsec. (c)(3). Pub. L. 105-185, §606(a), made technical amendment to directory language of Pub. L. 104-127, §819(b)(5). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104-127, §819(a), (b)(1), substituted “1997” for “1995” and struck out “and pilot” after “research”.

Subsec. (c)(2)(B). Pub. L. 104-127, §819(b)(2), struck out “at pilot sites in areas adversely affected by declining demand for crops grown in the area” after “alternative crops”.

Subsec. (c)(2)(C). Pub. L. 104-127, §819(b)(3), struck out “from pilot sites” after “research”.

Subsec. (c)(2)(D). Pub. L. 104-127, §819(b)(4), struck out “near such pilot sites” after “facilities” and “pilot” after “successful”.

Subsec. (c)(3). Pub. L. 104-127, §819(b)(5), as amended by Pub. L. 105-185, §606(a), struck out “pilot” before “program” in introductory provisions.

Subsec. (c)(3)(E), (F). Pub. L. 104-127, §819(c), added subpars. (E) and (F).

1990—Subsec. (a). Pub. L. 101-624 substituted “1995” for “1990”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(13) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title VI, §606(a), June 23, 1998, 112 Stat. 603, provided that the amendment made by section 606(a) is effective Apr. 6, 1996.

**§ 3319e. New Era Rural Technology Program**

**(a) Definition of community college**

In this section, the term “community college” means an institution of higher education (as defined in section 1001 of title 20)—

(1) that admits as regular students individuals who—

(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

(B) have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which the institution awards a bachelor’s degree or an equivalent degree; and

(3) that—

(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

**(b) Functions**

**(1) Establishment**

**(A) In general**

The Secretary shall establish a program to be known as the “New Era Rural Technology

Program”, to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

**(B) Support**

The initiative under this section shall support the fields of—

- (i) bioenergy;
- (ii) pulp and paper manufacturing; and
- (iii) agriculture-based renewable energy resources.

**(2) Requirements for funding**

To receive funding under this section, an entity shall—

(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

**(c) Grant priority**

In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

- (1) to improve information-sharing capacity; and
- (2) to maximize the ability to meet the requirements of this section.

**(d) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1473E, as added Pub. L. 110-234, title VII, §7137, May 22, 2008, 122 Stat. 1229, and Pub. L. 110-246, §4(a), title VII, §7137, June 18, 2008, 122 Stat. 1664, 1990.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 3319e, Pub. L. 95-113, title XIV, §1473E, as added Pub. L. 101-220, §5, Dec. 12, 1989, 103 Stat. 1878, related to research into new commercial products from natural plant materials, prior to repeal by Pub. L. 102-237, title IV, §402(14), Dec. 13, 1991, 105 Stat. 1863.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3319f. Beginning farmer and rancher development program**

**(a) Definition of beginning farmer or rancher**

In this section, the term “beginning farmer or rancher” means a person that—

- (1)(A) has not operated a farm or ranch; or
- (B) has operated a farm or ranch for not more than 10 years; and
- (2) meets such other criteria as the Secretary may establish.

**(b) Program**

The Secretary shall establish a beginning farmer and rancher development program to provide training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers.

**(c) Grants**

**(1) In general**

In carrying out this section, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers, including programs and services (as appropriate) relating to—

- (A) mentoring, apprenticeships, and internships;
- (B) resources and referral;
- (C) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;
- (D) innovative farm and ranch transfer strategies;
- (E) entrepreneurship and business training;
- (F) model land leasing contracts;
- (G) financial management training;
- (H) whole farm planning;
- (I) conservation assistance;
- (J) risk management education;
- (K) diversification and marketing strategies;
- (L) curriculum development;
- (M) understanding the impact of concentration and globalization;
- (N) basic livestock and crop farming practices;
- (O) the acquisition and management of agricultural credit;
- (P) environmental compliance;
- (Q) information processing; and
- (R) other similar subject areas of use to beginning farmers or ranchers.

**(2) Eligibility**

To be eligible to receive a grant under this subsection, the recipient shall be a collaborative State, tribal, local, or regionally-based network or partnership of public or private entities, which may include—

- (A) a State cooperative extension service;
- (B) a Federal, State, or tribal agency;
- (C) a community-based and nongovernmental organization;
- (D) a college or university (including an institution awarding an associate’s degree)

or foundation maintained by a college or university; or

(E) any other appropriate partner, as determined by the Secretary.

**(3) Maximum term and size of grant**

**(A) In general**

A grant under this subsection shall—

(i) have a term that is not more than 3 years; and

(ii) be in an amount that is not more than \$250,000 for each year.

**(B) Consecutive grants**

An eligible recipient may receive consecutive grants under this subsection.

**(4) Matching requirement**

To be eligible to receive a grant under this subsection, a recipient shall provide a match in the form of cash or in-kind contributions in an amount equal to 25 percent of the funds provided by the grant.

**(5) Evaluation criteria**

In making grants under this subsection, the Secretary shall evaluate—

(A) relevancy;

(B) technical merit;

(C) achievability;

(D) the expertise and track record of 1 or more applicants;

(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

(F) other appropriate factors, as determined by the Secretary.

**(6) Regional balance**

In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

**(7) Priority**

In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.

**(8) Set-aside**

Not less than 25 percent of funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of—

(A) limited resource beginning farmers or ranchers (as defined by the Secretary);

(B) socially disadvantaged beginning farmers or ranchers (as defined in section 2003(e) of this title); and

(C) farmworkers desiring to become farmers or ranchers.

**(9) Prohibition**

A grant made under this subsection may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

**(10) Administrative costs**

The Secretary shall use not more than 4 percent of the funds made available to carry out

this subsection for administrative costs incurred by the Secretary in carrying out this section.

**(d) Education teams**

**(1) In general**

In carrying out this section, the Secretary shall establish beginning farmer and rancher education teams to develop curricula and conduct educational programs and workshops for beginning farmers or ranchers in diverse geographical areas of the United States.

**(2) Curriculum**

In promoting the development of curricula, the Secretary shall, to the maximum extent practicable, include modules tailored to specific audiences of beginning farmers or ranchers, based on crop or regional diversity.

**(3) Composition**

In establishing an education team for a specific program or workshop, the Secretary shall, to the maximum extent practicable—

(A) obtain the short-term services of specialists with knowledge and expertise in programs serving beginning farmers or ranchers; and

(B) use officers and employees of the Department with direct experience in programs of the Department that may be taught as part of the curriculum for the program or workshop.

**(4) Cooperation**

**(A) In general**

In carrying out this subsection, the Secretary shall cooperate, to the maximum extent practicable, with—

(i) State cooperative extension services;

(ii) Federal and State agencies;

(iii) community-based and nongovernmental organizations;

(iv) colleges and universities (including an institution awarding an associate's degree) or foundations maintained by a college or university; and

(v) other appropriate partners, as determined by the Secretary.

**(B) Cooperative agreement**

Notwithstanding chapter 63 of title 31, the Secretary may enter into a cooperative agreement to reflect the terms of any cooperation under subparagraph (A).

**(e) Curriculum and training clearinghouse**

The Secretary shall establish an online clearinghouse that makes available to beginning farmers or ranchers education curricula and training materials and programs, which may include online courses for direct use by beginning farmers or ranchers.

**(f) Stakeholder input**

In carrying out this section, the Secretary shall seek stakeholder input from—

(1) beginning farmers and ranchers;

(2) national, State, tribal, and local organizations and other persons with expertise in operating beginning farmer and rancher programs; and

(3) the Advisory Committee on Beginning Farmers and Ranchers established under sec-

tion 5 of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554).

**(g) Participation by other farmers and ranchers**

Nothing in this section prohibits the Secretary from allowing farmers and ranchers who are not beginning farmers or ranchers from participating in programs authorized under this section to the extent that the Secretary determines that such participation is appropriate and will not detract from the primary purpose of educating beginning farmers and ranchers.

**(h) Funding**

**(1) In general**

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) \$18,000,000 for fiscal year 2009; and

(B) \$19,000,000 for each of fiscal years 2010 through 2012.

**(2) Authorization of appropriations**

In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 107-171, title VII, §7405, May 13, 2002, 116 Stat. 458; Pub. L. 110-234, title VII, §7410, May 22, 2008, 122 Stat. 1254; Pub. L. 110-246, §4(a), title VII, §7410, June 18, 2008, 122 Stat. 1664, 2016.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-246, §7410(a)(1), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The term of a grant under this subsection shall not exceed 3 years.”

Subsec. (c)(5) to (10). Pub. L. 110-246, §7410(a)(2), (3), added pars. (5) to (7) and redesignated former pars. (5) to (7) as (8) to (10), respectively.

Subsec. (h). Pub. L. 110-246, §7410(b), added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2007.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

DEFINITIONS

Pub. L. 107-171, title VII, §7401, May 13, 2002, 116 Stat. 455, provided that: “In this subtitle [subtitle D (§7401-7412) of title VII of Pub. L. 107-171, enacting this section and sections 3310a, 3319b, 5925c, 5925d, and 7630 of this title and provisions set out as notes under sections 3101, 3319b, 5925a, and 5925b of this title]:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Agriculture.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”

**§ 3319g. Fees**

In fiscal year 2003 and thereafter, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

(Pub. L. 108-7, div. A, title I, Feb. 20, 2003, 117 Stat. 17.)

REFERENCES IN TEXT

The agency, referred to in text, means the Agricultural Research Service.

CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, and also as part of the Consolidated Appropriations Resolution, 2003, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107-76, title I, Nov. 29, 2001, 115 Stat. 709.

Pub. L. 106-387, §1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-6.

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140.

Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-5.

**§ 3319h. Funds for research facilities**

In fiscal year 2003 and thereafter, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

(Pub. L. 108-7, div. A, title I, Feb. 20, 2003, 117 Stat. 17.)

CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, and also as part of the Consolidated Appropriations Resolution, 2003, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107-76, title I, Nov. 29, 2001, 115 Stat. 709.

Pub. L. 106-387, §1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-6.

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140.

Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-5.

Pub. L. 105-86, title I, Nov. 18, 1997, 111 Stat. 2084.

Pub. L. 104-180, title I, Aug. 6, 1996, 110 Stat. 1574.

Pub. L. 104-37, title I, Oct. 21, 1995, 109 Stat. 304.

Pub. L. 103-330, title I, Sept. 30, 1994, 108 Stat. 2440.

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1051.

Pub. L. 102-341, title I, Aug. 14, 1992, 106 Stat. 878.

**§ 3319i. Capacity building grants for NLGCA Institutions**

**(a) Grant program**

**(1) In general**

The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

- (A) agriculture;
- (B) renewable resources; and
- (C) other similar disciplines.

**(2) Use of funds**

An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

- (A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;
- (B) to disseminate information relating to priority concerns to—
  - (i) interested members of the agriculture, renewable resources, and other relevant communities;
  - (ii) the public; and
  - (iii) any other interested entity;
- (C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and
- (D) through—
  - (i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);
  - (ii) the professional growth and development of the faculty of the NLGCA Institution; and
  - (iii) the development of graduate assistantships.

**(b) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1473F, as added Pub. L. 110-234, title VII, §7138, May 22, 2008, 122 Stat. 1230, and Pub. L. 110-246, §4(a), title VII, §7138, June 18, 2008, 122 Stat. 1664, 1991.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3319j. Borlaug International Agricultural Science and Technology Fellowship Program**

**(a) Fellowship program**

**(1) In general**

The Secretary shall establish a fellowship program, to be known as the “Borlaug International Agricultural Science and Technology Fellowship Program,” to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

**(2) Programs**

The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

- (A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;
- (B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and
- (C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

**(b) Eligible countries**

An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

**(c) Purpose of fellowships**

A fellowship provided under this section shall—

- (1) promote food security and economic growth in eligible countries by—
  - (A) educating a new generation of agricultural scientists;
  - (B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and
  - (C) extending that knowledge to users and intermediaries in the marketplace; and
- (2) shall<sup>1</sup> support—
  - (A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;
  - (B) collaborative research to improve agricultural productivity;
  - (C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and
  - (D) the reduction of barriers to technology adoption.

**(d) Fellowship recipients**

**(1) Eligible candidates**

The Secretary may provide fellowships under this section to individuals from eligible

<sup>1</sup> So in original. The word “shall” probably should not appear.

countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

- (A) individuals from the public and private sectors; and
- (B) private agricultural producers.

**(2) Candidate identification**

The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

**(e) Use of fellowships**

A fellowship provided under this section shall be used—

- (1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and
- (2) to support fellowship recipients through programs described in subsection (a)(2).

**(f) Program implementation**

The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

**(g) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(Pub. L. 95-113, title XIV, §1473G, as added Pub. L. 110-234, title VII, §7139, May 22, 2008, 122 Stat. 1231, and Pub. L. 110-246, §4(a), title VII, §7139, June 18, 2008, 122 Stat. 1664, 1992.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

SUBCHAPTER XI—AQUACULTURE

**§ 3321. Statement of purpose**

It is the purpose of this subchapter to promote research and extension activities of the institutions hereinafter referred to in section 3322(b) of this title, and to coordinate their efforts as an integral part in the implementation of the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) by encouraging landowners, individuals, and commercial institutions to develop aqua-

culture production and facilities and sound aquacultural practices that will, through research and technology transfer programs, provide for the increased production and marketing of aquacultural food products.

(Pub. L. 95-113, title XIV, §1474, as added Pub. L. 97-98, title XIV, §1440(a), Dec. 22, 1981, 95 Stat. 1316.)

REFERENCES IN TEXT

The National Aquaculture Act of 1980, referred to in text, is Pub. L. 96-362, Sept. 26, 1980, 94 Stat. 1198, which is classified generally to chapter 48 (§2801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 2801 of Title 16 and Tables.

EFFECTIVE DATE

Subchapter effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

**§ 3322. Assistance programs**

**(a) Research and extension program**

The Secretary may develop and implement a cooperative research and extension program to encourage the development, management, and production of important aquatic food species within the several States and territories of the United States and to enhance further the safety of food products derived from the aquaculture industry, in accordance with the national aquaculture development plan, and revisions thereto, developed under the National Aquaculture Act of 1980 [16 U.S.C. 2801 et seq.].

**(b) Grants**

The Secretary may make grants to—

- (1) land-grant and sea grant colleges and universities;
- (2) State agricultural experiment stations;
- (3) colleges, universities, and Federal laboratories having a demonstrable capacity to conduct aquacultural research, as determined by the Secretary; and
- (4) nonprofit private research institutions;

for research and extension to facilitate or expand promising advances in the production and marketing of aquacultural food species and products and to enhance further the safety and wholesomeness of those species and products, including the development of reliable supplies of seed stock and therapeutic compounds. Except in the case of Federal laboratories, no grant may be made under this subsection unless the State in which the grant recipient is located makes a matching grant (of which amount an in-kind contribution may not exceed 50 percent) to such recipient equal to the amount of the grant to be made under this subsection, and unless the grant is in implementation of the national aquaculture development plan, and revisions thereto, developed under the National Aquaculture Act of 1980 [16 U.S.C. 2801 et seq.].

**(c) Aquaculture development plans**

The Secretary may assist States to formulate aquaculture development plans for the enhancement of the production and marketing of aquacultural species and products from such States and may make grants to States on a matching

basis, as determined by the Secretary. The aggregate amount of the grants made to any one State under this subsection may not exceed \$50,000. The plans shall be consistent with the national aquaculture development plan, and revisions thereto, developed under the National Aquaculture Act of 1980 [16 U.S.C. 2801 et seq.].

**(d) Aquacultural centers**

To provide for aquacultural research, development, and demonstration projects having a national or regional application, the Secretary may establish in existing Federal facilities or in cooperation with any of the non-Federal entities specified in subsection (b) of this section up to five aquacultural research, development, and demonstration centers in the United States for the performance of aquacultural research, extension work, and demonstration projects. Funds made available for the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings or facilities. To the extent practicable, the aquaculture research, development, and demonstration centers established under this subsection shall be geographically located so that they are representative of the regional aquaculture opportunities in the United States. To the extent practicable, the Secretary shall ensure that equitable efforts are made at these centers in addressing the research needs of those segments of the domestic aquaculture industry located within that region.

**(e) Listing of laws on aquaculture**

The interagency aquaculture coordinating group established under section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)) shall, in consultation with appropriate Federal and State agencies, compile a listing of Federal and State laws, rules, and regulations materially affecting the production, processing, marketing, and transportation of aquaculturally produced commodities and the products thereof. The interagency aquaculture coordinating group shall make such listing available to the public not later than January 1, 1992, and shall update and revise such listing not later than January 1, 1996, to show such laws, rules, and regulations as in effect on that date.

**(f) Fish disease program**

The Secretary shall implement, in consultation with the Joint Subcommittee on Aquaculture referred to in section 6 of the National Aquaculture Act of 1980 (16 U.S.C. 2805), a fish disease program to include the development of new diagnostic procedures for fish diseases, the determination of the effect of water environment on the development of the fish immune system, and the development of therapeutic, synthetic, or natural systems, for the control of fish diseases.

(Pub. L. 95-113, title XIV, § 1475, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1316; amended Pub. L. 99-198, title XIV, § 1429(a), Dec. 23, 1985, 99 Stat. 1555; Pub. L. 101-624, title XVI, § 1614(a), Nov. 28, 1990, 104 Stat. 3727; Pub. L. 104-66, title I, § 1011(u), Dec. 21, 1995, 109 Stat. 711; Pub. L. 104-127, title VIII, § 820(b), Apr. 4, 1996, 110 Stat. 1168.)

REFERENCES IN TEXT

The National Aquaculture Act of 1980, referred to in subsecs. (a), (b), and (c), is Pub. L. 96-362, Sept. 26, 1980, 94 Stat. 1198, which is classified generally to chapter 48 (§2801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 2801 of Title 16 and Tables.

AMENDMENTS

1996—Subsecs. (e) to (g). Pub. L. 104-127 redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out heading and text of former subsec. (e). Text read as follows: “Not later than March 1 of each year, the Secretary shall submit a report to the President, the House Committee on Agriculture, the House Committee on Merchant Marine and Fisheries, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations, containing a summary outlining the progress of the Department of Agriculture in meeting the purposes of the programs established under this subchapter.”

1995—Subsec. (e). Pub. L. 104-66 struck out “(1)” before “Not later than” and struck out par. (2) which required Secretary to conduct a study assessing economic impact of animal damage to the United States aquaculture industry.

1990—Subsec. (a). Pub. L. 101-624, § 1614(a)(1), inserted heading and substituted “United States and to enhance further the safety of food products derived from the aquaculture industry,” for “United States.”

Subsec. (b). Pub. L. 101-624, § 1614(a)(2), inserted heading, inserted “and sea grant” after “land-grant” in par. (1), and inserted before period at end “and to enhance further the safety and wholesomeness of those species and products, including the development of reliable supplies of seed stock and therapeutic compounds”.

Subsec. (c). Pub. L. 101-624, § 1614(a)(3), inserted heading.

Subsec. (d). Pub. L. 101-624, § 1614(a)(4), inserted heading, substituted “five aquacultural” for “four aquacultural”, and inserted at end “To the extent practicable, the Secretary shall ensure that equitable efforts are made at these centers in addressing the research needs of those segments of the domestic aquaculture industry located within that region.”

Subsec. (e). Pub. L. 101-624, § 1614(a)(5), inserted heading, designated existing provisions as par. (1), substituted “Not later than March 1 of each year,” for “Not later than one year after the effective date of this subchapter and not later than March 1 of each subsequent year,” and added par. (2).

Subsecs. (f), (g). Pub. L. 101-624, § 1614(a)(6), added subsecs. (f) and (g).

1985—Subsec. (b). Pub. L. 99-198, § 1429(a)(1), (2), added par. (4) and inserted “(of which amount an in-kind contribution may not exceed 50 percent)” after “matching grant”.

Subsec. (d). Pub. L. 99-198, § 1429(a)(3), (4), substituted in first sentence “any of the non-Federal entities specified in subsection (b) of this section” for “State agencies (including State departments of agriculture), and land-grant colleges and universities,” and inserted provision respecting geographic location of aquaculture research, development, and demonstration centers.

Subsec. (e). Pub. L. 99-198, § 1429(a)(5), inserted “the House Committee on Merchant Marine and Fisheries,”.

**§ 3323. Repealed. Pub. L. 105-185, title III, § 302(a), June 23, 1998, 112 Stat. 563**

Section, Pub. L. 95-113, title XIV, § 1476, as added Pub. L. 101-624, title XVI, § 1614(b)(1), Nov. 28, 1990, 104 Stat. 3728; amended Pub. L. 104-127, title VIII, § 820(c), Apr. 4, 1996, 110 Stat. 1168, authorized grants and appropriations for aquaculture research facilities.

A prior section 3323, Pub. L. 95-113, title XIV, § 1476, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1317, related to establishment, duration, and

meetings of Aquaculture Advisory Board, and appointment and compensation of Board members, prior to repeal by Pub. L. 99-198, title XIV, §1429(b), Dec. 23, 1985, 99 Stat. 1556.

#### § 3324. Authorization of appropriations

There is authorized to be appropriated \$7,500,000 for each of the fiscal years 1991 through 2012. Funds appropriated under this section or section 3323<sup>1</sup> of this title may not be used to acquire or construct a building.

(Pub. L. 95-113, title XIV, §1477, as added Pub. L. 97-98, title XIV, §1440(a), Dec. 22, 1981, 95 Stat. 1318; amended Pub. L. 99-198, title XIV, §1429(c), Dec. 23, 1985, 99 Stat. 1556; Pub. L. 101-624, title XVI, §1614(c), Nov. 28, 1990, 104 Stat. 3728; Pub. L. 104-127, title VIII, §820(d), Apr. 4, 1996, 110 Stat. 1168; Pub. L. 105-185, title III, §301(a)(15), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7116, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §7140, May 22, 2008, 122 Stat. 1232; Pub. L. 110-246, §4(a), title VII, §7140, June 18, 2008, 122 Stat. 1664, 1993.)

#### REFERENCES IN TEXT

Section 3323 of this title, referred to in text, was repealed by Pub. L. 105-185, title III, §302(a), June 23, 1998, 112 Stat. 563.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Pub. L. 110-246, §7140, substituted “2012” for “2007”.

2002—Pub. L. 107-171 substituted “2007” for “2002”.

1998—Pub. L. 105-185 substituted “2002” for “1997”.

1996—Pub. L. 104-127 substituted “1997” for “1995”.

1990—Pub. L. 101-624 substituted “each of the fiscal years 1991 through 1995” for “each fiscal year beginning after the effective date of this subchapter, and ending with the fiscal year ending September 30, 1990” and inserted at end “Funds appropriated under this section or section 3323 of this title may not be used to acquire or construct a building.”

1985—Pub. L. 99-198 in amending section generally, struck out subsec. (a) designation, substituted “fiscal year ending September 30, 1990” for “fiscal year ending September 30, 1985, and not in excess of such sums as may after December 22, 1981, be authorized by law for any subsequent fiscal year”, and struck out subsec. (b) relating to allocation of funds and consultations by Secretary with Board in development of plans for use of funds.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### SUBCHAPTER XII—RANGELAND RESEARCH

#### § 3331. Congressional statement of purpose

It is the purpose of this subchapter to promote the general welfare through improved productivity of the Nation’s rangelands, which comprise 60 per centum of the land area of the United

States. Most of these rangelands are unsuited for cultivation, but produce a great volume of forage that is inedible by humans but readily converted, through an energy efficient process, to high quality food protein by grazing animals. These native grazing lands are located throughout the United States and are important resources for major segments of the Nation’s livestock industry. In addition to the many livestock producers directly dependent on rangelands, other segments of agriculture are indirectly dependent on range-fed livestock and on range-produced forage that can be substituted for grain in times of grain scarcity. Recent resource assessments indicate that forage production of rangeland can be increased at least 100 per centum through development and application of improved range management practices while simultaneously enhancing wildlife, watershed, recreational, and aesthetic values and reducing hazards of erosion and flooding.

(Pub. L. 95-113, title XIV, §1478, as added Pub. L. 97-98, title XIV, §1440(a), Dec. 22, 1981, 95 Stat. 1318.)

#### EFFECTIVE DATE

Subchapter effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

#### § 3332. Program; development, purposes, scope, etc.

The Secretary may develop and implement a cooperative rangeland research program in coordination with the program carried out under the Renewable Resources Extension Act of 1978 [16 U.S.C. 1671 et seq.], to improve the production and quality of desirable native forages or introduced forages which are managed in a similar manner to native forages for livestock and wildlife. The program shall include studies of: (1) management of rangelands and agricultural land as integrated systems for more efficient utilization of crops and waste products in the production of food and fiber; (2) methods of managing rangeland watersheds to maximize efficient use of water and improve water yield, water quality, and water conservation, to protect against onsite and offsite damage of rangeland resources from floods, erosion, and other detrimental influences, and to remedy unsatisfactory and unstable rangeland conditions; (3) revegetation and rehabilitation of rangelands including the control of undesirable species of plants; and (4) such other matters as the Secretary considers appropriate.

(Pub. L. 95-113, title XIV, §1479, as added Pub. L. 97-98, title XIV, §1440(a), Dec. 22, 1981, 95 Stat. 1318.)

#### REFERENCES IN TEXT

The Renewable Resources Extension Act of 1978, referred to in text, is Pub. L. 95-306, June 30, 1978, 92 Stat. 349, which is classified generally to subchapter III (§1671 et seq.) of chapter 36 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1978 Amendments note set out under section 1600 of Title 16 and Tables.

#### § 3333. Rangeland research grants

##### (a) In general

The Secretary may make grants to—

<sup>1</sup> See References in Text note below.

(1) land-grant colleges and universities, State agricultural experiment stations, and colleges, universities, and Federal laboratories having a demonstrable capacity in rangeland research, as determined by the Secretary, to carry out rangeland research; and

(2) the Joe Skeen Institute for Rangeland Restoration for the purposes of facilitating and expanding ongoing State-Federal range management, animal husbandry, and agricultural research, education, and extension programs to meet the targeted, emerging, and future needs of western United States rangelands and associated natural resources.

**(b) Matching requirements**

**(1) In general**

Except as provided in paragraph (2), this grant program shall be based on a matching formula of 50 percent Federal and 50 percent non-Federal funding.

**(2) Exception**

Paragraph (1) shall not apply to a grant to a Federal laboratory or a grant under subsection (a)(2) of this section.

(Pub. L. 95-113, title XIV, § 1480, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319; amended Pub. L. 107-171, title VII, § 7209(d), May 13, 2002, 116 Stat. 445.)

AMENDMENTS

2002—Pub. L. 107-171 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary may make grants to land-grant colleges and universities, State agricultural experiment stations, and to colleges, universities, and Federal laboratories having a demonstrable capacity in rangeland research, as determined by the Secretary, to carry out rangeland research. Except in the case of Federal laboratories, this grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum non-Federal funding.”

**§§ 3334, 3335. Repealed. Pub. L. 104-127, title VIII, § 857, Apr. 4, 1996, 110 Stat. 1173**

Section 3334, Pub. L. 95-113, title XIV, § 1481, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319, required Secretary to submit annual report to President and congressional committees outlining progress of Department of Agriculture in meeting program requirements set forth in section 3332 of this title.

Section 3335, Pub. L. 95-113, title XIV, § 1482, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319; amended Pub. L. 99-198, title XIV, § 1430(a), Dec. 23, 1985, 99 Stat. 1556; Pub. L. 101-624, title XVI, § 1601(b)(6), Nov. 28, 1990, 104 Stat. 3703, related to establishment of Rangeland Research Advisory Board.

**§ 3336. Authorization of appropriations; allocation of funds**

(a) There are authorized to be appropriated, to implement the provisions of this subchapter, such sums not to exceed \$10,000,000 for each of the fiscal years 1991 through 2012.

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institution or institutions.

(Pub. L. 95-113, title XIV, § 1483, as added Pub. L. 97-98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat.

1319; amended Pub. L. 99-198, title XIV, § 1430(b), Dec. 23, 1985, 99 Stat. 1556; Pub. L. 101-624, title XVI, § 1601(b)(7), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, § 821, Apr. 4, 1996, 110 Stat. 1168; Pub. L. 105-185, title III, § 301(a)(16), title VI, § 606(e), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, § 7117, May 13, 2002, 116 Stat. 434; Pub. L. 110-234, title VII, § 7141, May 22, 2008, 122 Stat. 1232; Pub. L. 110-246, § 4(a), title VII, § 7141, June 18, 2008, 122 Stat. 1664, 1993.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7141, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, § 301(a)(16), substituted “2002” for “1997”.

Subsec. (b). Pub. L. 105-185, § 606(e), which directed that the second sentence of subsec. (b) be amended by striking out the last sentence, was executed by striking out “The Secretary shall, whenever possible, consult with the Board in developing plans for the use of these funds.”, which is both the second and last sentence of subsec. (b), to reflect the probable intent of Congress.

1996—Subsec. (a). Pub. L. 104-127 substituted “1997” for “1995”.

1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995” for “annually for the period beginning October 1, 1981, and ending September 30, 1990”.

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985, and thereafter such sums as may after the date of enactment of this subchapter be authorized by law for any subsequent fiscal year”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

SUBCHAPTER XIII—BIOSECURITY

**§ 3351. Special authorization for biosecurity planning and response**

**(a) Authorization of appropriations**

In addition to amounts for agricultural research, extension, and education under this chapter, there are authorized to be appropriated for agricultural research, education, and extension activities for biosecurity planning and response such sums as are necessary for each of fiscal years 2002 through 2012.

**(b) Use of funds**

Using any authority available to the Secretary, the Secretary shall use funds made available under this section to carry out agricultural research, education, and extension activities (including through competitive grants) for the following:

(1) To reduce the vulnerability of the United States food and agricultural system to chemical or biological attack.

(2) To continue partnerships with institutions of higher education and other institu-

tions to help form stable, long-term programs to enhance the biosecurity of the United States, including the coordination of the development, implementation, and enhancement of diverse capabilities for addressing threats to the Nation's agricultural economy and food supply with special emphasis on planning, training, outreach, and research activities related to vulnerability analyses, incident response, and detection and prevention technologies.

(3) To make competitive grants to universities and qualified research institutions for research on counterbioterrorism.

(4) To counter or otherwise respond to chemical or biological attack.

(Pub. L. 95-113, title XIV, § 1484, as added Pub. L. 107-171, title VII, § 7221(a), May 13, 2002, 116 Stat. 452; amended Pub. L. 110-234, title VII, § 7142, May 22, 2008, 122 Stat. 1232; Pub. L. 110-246, § 4(a), title VII, § 7142, June 18, 2008, 122 Stat. 1664, 1993.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", and was translated as reading "this title", meaning title XIV of Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 981, as amended, known as the National Agricultural Research, Extension, and Teaching Policy Act of 1977, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title XIV to the Code, see References in Text note set out under section 3102 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7142, substituted "2012" for "2007".

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3352. Agriculture research facility expansion and security upgrades

#### (a) In general

To enhance the security of agriculture in the United States against threats posed by bioterrorism, the Secretary shall make expansion or security upgrade grants on a competitive basis to colleges and universities (as defined in section 3103(4) of this title).

#### (b) Limitation on grants

Grants to a recipient under this section shall not exceed \$10,000,000 in any fiscal year.

#### (c) Requirements for grants

The Secretary shall make a grant under this section only if the grant applicant provides satisfactory assurances to the Secretary that—

(1) sufficient funds are available to pay the non-Federal share of the cost of the proposed expansion or security upgrades; and

(2) the proposed expansion or security upgrades meet such reasonable qualifications as

may be established by the Secretary with respect to biosafety and biosecurity requirements necessary to protect facility staff, members of the public, and the food supply.

#### (d) Additional requirements for grants for facility expansion

The Secretary shall make a grant under this section for the expansion, renovation, remodeling, or alteration (collectively referred to in this section as "expansion") of a facility only if the grant applicant provides such assurances as the Secretary determines to be satisfactory to ensure the following:

(1) For not less than 20 years after the grant is awarded, the facility shall be used for the purposes of the research for which the facility was expanded, as described in the grant application.

(2) Sufficient funds will be available, as of the date of completion of the expansion, for the effective use of the facility for the purposes of the research for which the facility was expanded.

(3) The proposed expansion—

(A) will increase the capability of the applicant to conduct research for which the facility was expanded; or

(B) is necessary to improve the quality of the research of the applicant.

#### (e) Amount of grant

The amount of a grant awarded under this section shall be determined by the Secretary.

#### (f) Federal share

The Federal share of the cost of any expansion or security upgrade carried out using funds from a grant provided under this section shall not exceed 50 percent.

#### (g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for each fiscal year.

(Pub. L. 95-113, title XIV, § 1485, as added Pub. L. 107-171, title VII, § 7221(a), May 13, 2002, 116 Stat. 453.)

### § 3353. Agricultural biosecurity

#### (a) Security at colleges and universities

##### (1) Grants

The Secretary of Agriculture (referred to in this section as the "Secretary") may award grants to covered entities to review security standards and practices at their facilities in order to protect against bioterrorist attacks.

##### (2) Covered entities

Covered entities under this subsection are colleges or universities that—

(A) are colleges or universities as defined in section 3103 of this title; and

(B) have programs in food and agricultural sciences, as defined in such section.

##### (3) Limitation

Each individual covered entity may be awarded one grant under paragraph (1), the amount of which shall not exceed \$50,000.

##### (4) Contract authority

Colleges and universities receiving grants under paragraph (1) may use such grants to

enter into contracts with independent private organizations with established and demonstrated security expertise to conduct the security reviews specified in such paragraph.

**(b) Guidelines for agricultural biosecurity**

**(1) In general**

The Secretary may award grants to associations of food producers or consortia of such associations for the development and implementation of educational programs to improve biosecurity on farms in order to ensure the security of farm facilities against potential bioterrorist attacks.

**(2) Limitation**

Each individual association eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed \$100,000. Each consortium eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed \$100,000 per association participating in the consortium.

**(3) Contract authority**

Associations of food producers receiving grants under paragraph (1) may use such grants to enter into contracts with independent private organizations with established and demonstrated expertise in biosecurity to assist in the development and implementation of educational programs to improve biosecurity specified in such paragraph.

**(c) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

(Pub. L. 107-188, title III, §334, June 12, 2002, 116 Stat. 679.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

**§ 3354. Agricultural bioterrorism research and development**

**(a) In general**

The Secretary of Agriculture (referred to in this section as the “Secretary”) may utilize existing research authorities and research programs to protect the food supply of the United States by conducting and supporting research activities to—

(1) enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to the food and agricultural system of the United States;

(2) develop new and continue partnerships with institutions of higher education and other institutions to help form stable, long-term programs to enhance the biosecurity and food safety of the United States, including the coordination of the development, implementation, and enhancement of diverse capabilities for addressing threats to the nation’s agricultural economy and food supply, with special

emphasis on planning, training, outreach, and research activities related to vulnerability analyses, incident response, detection, and prevention technologies;

(3) strengthen coordination with the intelligence community to better identify research needs and evaluate materials or information acquired by the intelligence community relating to potential threats to United States agriculture;

(4) expand the involvement of the Secretary with international organizations dealing with plant and animal disease control;

(5) continue research to develop rapid detection field test kits to detect biological threats to plants and animals and to provide such test kits to State and local agencies preparing for or responding to bioterrorism;

(6) develop an agricultural bioterrorism early warning surveillance system through enhancing the capacity of and coordination between State veterinary diagnostic laboratories, Federal and State agricultural research facilities, and public health agencies; and

(7) otherwise improve the capacity of the Secretary to protect against the threat of bioterrorism.

**(b) Authorization of appropriations**

There is authorized to be appropriated to carry out this section, \$190,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

(Pub. L. 107-188, title III, §335, June 12, 2002, 116 Stat. 680.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

**SUBCHAPTER XIV—INSTITUTIONS OF HIGHER EDUCATION IN INSULAR AREAS**

**§ 3361. Definition**

For the purposes of this subchapter, the term “eligible institution” means an institution of higher education (as defined in section 1001(a) of title 20) in an insular area that has demonstrable capacity to carry out teaching and extension programs in the food and agricultural sciences.

(Pub. L. 95-113, title XIV, §1489, as added Pub. L. 107-171, title VII, §7503, May 13, 2002, 116 Stat. 464.)

**RESIDENT INSTRUCTION AND DISTANCE EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION IN UNITED STATES INSULAR AREAS**

Pub. L. 107-171, title VII, §7501(a), May 13, 2002, 116 Stat. 463, provided that: “It is the purpose of this subtitle [subtitle E (§7501-7506) of title VII of Pub. L. 107-171, enacting this subchapter and sections 7631 and 7719 of this title, amending sections 3103, 7715, and 7772 of this title, and enacting provisions set out as a note under section 3103 of this title] to promote and strengthen higher education in the food and agricultural sciences at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that have demonstrable capac-

ity to carry out teaching and extension programs in food and agricultural sciences and that are located in the insular areas of the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau by formulating and administering programs to enhance teaching programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agriculture production and delivery systems.”

**§ 3362. Distance education grants for insular areas**

**(a) In general**

The Secretary may make competitive or non-competitive grants to eligible institutions in insular areas to strengthen the capacity of such institutions to carry out distance food and agricultural education programs using digital network technologies.

**(b) Use**

Grants made under this section shall be used—

(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure necessary to teach students and teachers about technology in the classroom;

(2) to develop and provide educational services (including faculty development) to prepare students or faculty seeking a degree or certificate that is approved by the State or a regional accrediting body recognized by the Secretary of Education;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement a joint project to provide education regarding technology in the classroom with a local educational agency, community-based organization, national nonprofit organization, or business; or

(5) to provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education.

**(c) Limitation on use of grant funds**

Funds provided under this section shall not be used for the planning, acquisition, construction, rehabilitation, or repair of a building or facility.

**(d) Administration of program**

The Secretary may carry out this section in a manner that recognizes the different needs and opportunities for eligible institutions in the Atlantic and Pacific Oceans.

**(e) Matching requirement**

**(1) In general**

The Secretary may establish a requirement that an eligible institution receiving a grant under this section shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the grant.

**(2) Waivers**

If the Secretary establishes a matching requirement under paragraph (1), the Secretary

shall retain an option to waive the requirement for an eligible institution for any fiscal year if the Secretary determines that the institution will be unlikely to meet the matching requirement for the fiscal year.

**(f) Authorization of appropriations**

There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2012.

(Pub. L. 95-113, title XIV, §1490, as added Pub. L. 107-171, title VII, §7503, May 13, 2002, 116 Stat. 464; amended Pub. L. 110-234, title VII, §7143(a), May 22, 2008, 122 Stat. 1232; Pub. L. 110-246, §4(a), title VII, §7143(a), June 18, 2008, 122 Stat. 1664, 1994.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-246, §7143(a), substituted “2012” for “2007”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3363. Resident instruction grants for insular areas**

**(a) In general**

The Secretary of Agriculture shall make competitive grants to eligible institutions to—

(1) strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international education needs in the food and agricultural sciences;

(2) attract and support undergraduate and graduate students in order to educate them in identified areas of national need in the food and agriculture sciences;

(3) facilitate cooperative initiatives between two or more insular area eligible institutions, or between those institutions and units of State Government or organizations in the private sector, to maximize the development and use of resources such as faculty, facilities, and equipment to improve food and agricultural sciences teaching programs; and

(4) conduct undergraduate scholarship programs to assist in meeting national needs for training food and agricultural scientists.

**(b) Grant requirements**

(1) The Secretary of Agriculture shall ensure that each eligible institution, prior to receiving grant funds under subsection (a) of this section, shall have a significant demonstrable commitment to higher education programs in the food and agricultural sciences and to each specific subject area for which grant funds under this section are to be used.

(2) The Secretary of Agriculture may require that any grant awarded under this section contain provisions that require funds to be targeted to meet the needs identified in section 3101 of this title.

**(c) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary for each of the fiscal years 2002 through 2012 to carry out this section.

(Pub. L. 95–113, title XIV, § 1491, as added Pub. L. 107–171, title VII, § 7503, May 13, 2002, 116 Stat. 465; amended Pub. L. 110–234, title VII, § 7143(b), May 22, 2008, 122 Stat. 1233; Pub. L. 110–246, § 4(a), title VII, § 7143(b), June 18, 2008, 122 Stat. 1664, 1994.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsecs. (c), (e). Pub. L. 110–246, § 7143(b), redesignated subsec. (e) as (c) and substituted “2012” for “2007”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

**CHAPTER 65—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION**

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**§ 3401. Congressional findings and declaration of policy**

(a) Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by millions of people in the United States.

(b) The size of the American wheat crop and how it is marketed and ultimately consumed determines whether many Americans receive adequate nourishment. Wheat has a strong impact on the Nation’s well-being. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of

wheat products can enhance the national welfare.

(c) It has long been recognized that it is in the national interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to accomplish this objective. A programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers, and consumers.

(d) It is the purpose of this chapter and in the public interest to authorize and enable the creation of an orderly procedure, adequately financed through an assessment, for the development and initiation of an effective and continuous coordinated program of research and nutrition education, designed to improve and enhance the quality, and make the most efficient use, of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the United States. The maximum rate of assessment authorized hereunder represents an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, such assessment will not significantly affect the retail prices of those products. Furthermore, any price effect will be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in wheat products, which may be expected to follow from adoption of a plan under this chapter. Nothing in this chapter shall be construed to provide for control of production or otherwise limit the right of individual wheat producers to produce wheat.

(Pub. L. 95–113, title XVII, § 1702, Sept. 29, 1977, 91 Stat. 1031.)

EFFECTIVE DATE

Chapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

SHORT TITLE

Section 1701 of title XVII of Pub. L. 95–113 provided that: “This title [enacting this chapter] may be cited as the ‘Wheat and Wheat Foods Research and Nutrition Education Act’.”

SEPARABILITY

Section 1718 of Pub. L. 95–113 provided that: “If any provision of this title [this chapter] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.”

**§ 3402. Definitions**

For the purposes of this chapter:

(a) The term “wheat” means all classes of wheat grains grown in the United States.

(b) The term “processed wheat” means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(c) The term “end product” means any product which contains processed wheat as an ingredient and which is intended, as produced, for con-