

retary. 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, title VI, §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 hereby 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 cooper-

ative 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 National Institute of Food and Agriculture 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 allot-

ments 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 provided 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.

#### (6) 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.)

#### 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. (b)(2)(A). Pub. L. 110-246, §7511(c)(12), substituted "National Institute of Food and Agriculture" for "Extension Service".

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 Institute, 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 hereby 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 institution 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 withholds 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 re-

ceive 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

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

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 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 Agri-

cultural 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.