

## 7 USC Ch. 13: AGRICULTURAL AND MECHANICAL COLLEGES

### From Title 7—AGRICULTURE

#### CHAPTER 13—AGRICULTURAL AND MECHANICAL COLLEGES

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##### SUBCHAPTER I—COLLEGE-AID LAND APPROPRIATION

### §301. Land grant aid of colleges

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

## EDITORIAL NOTES

### CODIFICATION

Act July 2, 1862, with the exception of section 7, was not incorporated into the Revised Statutes, probably because the grants made thereby were regarded as executed, and the provisions incidental thereto as temporary. By act [Mar. 3, 1883, ch. 102](#), 22 Stat. 484, however, section 4 of the original act was amended to read as set out under section 304 of this title.

## STATUTORY NOTES AND RELATED SUBSIDIARIES

### SHORT TITLE

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

### EQUITY IN EDUCATIONAL LAND GRANT STATUS

Pub. L. 107–171, [title VII, §7201\(e\), May 13, 2002](#), 116 Stat. 437, provided that: "Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture shall submit a report containing recommended criteria for designating additional 1994 Institutions [see section 532 of Pub. L. 103–382, set out below] to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

Pub. L. 106–387, [§1\(a\) \[title I\], Oct. 28, 2000](#), 114 Stat. 1549, [1549A-7](#), provided in part: "That hereafter, any distribution of the adjusted income from the Native American Institutions Endowment Fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes."

Pub. L. 103–382, [title V, part C, Oct. 20, 1994](#), 108 Stat. 4048, as amended by Pub. L. 104–127, [title VIII, §882, Apr. 4, 1996](#), 110 Stat. 1175; Pub. L. 105–185, [title II, §251, title III, §301\(g\), June 23, 1998](#), 112 Stat. 557, [563](#); Pub. L. 105–332, [§3\(d\), Oct. 31, 1998](#), 112 Stat. 3126; Pub. L. 107–171, [title VII, §§7126\(f\)–7128, 7201\(a\)–\(d\), May 13, 2002](#), 116 Stat. 435–437; Pub. L. 108–204, [title I, §128, Mar. 2, 2004](#), 118 Stat. 547; Pub. L. 108–447, [div. A, title VII, §777, Dec. 8, 2004](#), 118 Stat. 2849; Pub. L. 110–234, [title VII, §7402\(a\)–\(e\), May 22, 2008](#), 122 Stat. 1245, [1246](#); Pub. L. 110–246, [§4\(a\), title VII, §7402\(a\)–\(e\), June 18, 2008](#), 122 Stat. 1664, [2007](#); Pub. L. 110–315, [title IX, §941\(k\)\(2\)\(A\), Aug. 14, 2008](#), 122 Stat. 3465; Pub. L. 113–79, [title VII, §7402\(a\)\(1\), \(b\)–\(d\), Feb. 7, 2014](#), 128 Stat. 893, [894](#); Pub. L. 115–334, [title VII, §§7502\(a\)\(1\), \(b\)–\(d\), 7609\(b\), Dec. 20, 2018](#), 132 Stat. 4820, [4821, 4830](#), provided that:

"SEC. 531. SHORT TITLE.

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

"SEC. 532. DEFINITION OF 1994 INSTITUTION.

"In this part, the term '1994 Institution' means any of the following colleges:

- "(1) Aaniiih Nakoda College.
- "(2) Bay Mills Community College.
- "(3) Blackfeet Community College.
- "(4) Cankdeska Cikana Community College.
- "(5) Chief Dull Knife College.
- "(6) College of Menominee Nation.
- "(7) College of the Muscogee Nation.
- "(8) D–Q University.
- "(9) Dine College.
- "(10) Fond du Lac Tribal and Community College.
- "(11) Fort Peck Community College.
- "(12) Haskell Indian Nations University.
- "(13) Ilisagvik College.
- "(14) Institute of American Indian and Alaska Native Culture and Arts Development.
- "(15) Keweenaw Bay Ojibwa Community College.
- "(16) Lac Courte Oreilles Ojibwa Community College.
- "(17) Leech Lake Tribal College.
- "(18) Little Big Horn College.
- "(19) Little Priest Tribal College.
- "(20) Navajo Technical University.
- "(21) Nebraska Indian Community College.
- "(22) Northwest Indian College.
- "(23) Nueta Hidatsa Sahnish College.

- "(24) Oglala Lakota College.
- "(25) Red Lake Nation College.
- "(26) Saginaw Chippewa Tribal College.
- "(27) Salish Kootenai College.
- "(28) Sinte Gleska University.
- "(29) Sisseton Wahpeton College.
- "(30) Sitting Bull College.
- "(31) Southwestern Indian Polytechnic Institute.
- "(32) Stone Child College.
- "(33) Tohono O'odham Community College.
- "(34) Turtle Mountain Community College.
- "(35) United Tribes Technical College.
- "(36) White Earth Tribal and Community College.

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

"(a) IN GENERAL.—

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

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

"(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

"(ii) the Smith-Lever Act (7 U.S.C. 341 et seq.), except as provided under—

"(I) section 3(b)(3) of that Act (7 U.S.C. 343(b)(3)); or

"(II) the third sentence of section 3(d) of that Act (7 U.S.C. 343(d)); or

"(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act).

"(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

"(3) ACCREDITATION.—To receive funding under this section and sections 534, 535, and 536, a 1994 Institution shall certify to the Secretary that the 1994 Institution—

"(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary, in consultation with the Secretary of Education, to be a reliable authority regarding the quality of training offered; or

"(B) is making progress toward the accreditation, as determined by the nationally recognized accrediting agency or association.

"(b) 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 2023. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

"(c) ENDOWMENT.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the 'endowment fund'). The Secretary may enter into such agreements as are necessary to carry out this subsection.

"(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary shall deposit in the endowment fund any—

"(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the 'endowment fund corpus'); and

"(B) interest earned on the endowment fund corpus.

"(3) INVESTMENTS.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

"(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

"(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a))).

"(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

"(d) MEMORANDUM OF AGREEMENT.—Not later than January 6, 1997, the Secretary shall develop and implement a formal memorandum of agreement with the 1994 Institutions to establish programs to ensure that tribally controlled colleges and Native American communities equitably participate in Department of Agriculture employment, programs, services, and resources.

"SEC. 534. APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

"(A) \$100,000; multiplied by

"(B) the number of 1994 Institutions.

"(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

"(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

"(B) the number of 1994 Institutions.

"(3) USE OF FUNDS; REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the 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 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

"(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

"(i) declines to accept funds under paragraph (2); or

"(ii) fails to meet the accreditation requirements under section 533(a)(3).

"(b) FUNDING.—[Amended section 343 of this title.]

"SEC. 535. INSTITUTIONAL CAPACITY BUILDING GRANTS.

"(a) DEFINITIONS.—As used in this section:

"(1) FEDERAL SHARE.—The term 'Federal share' means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

"(2) NON-FEDERAL SHARE.—The term 'non-Federal share' means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) IN GENERAL.—

"(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2023, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

"(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

"(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

"(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

"(3) DEMONSTRATION OF NEED.—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

"(4) 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 specified by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, such sums as are necessary for each of fiscal years 2002 through 2023.

"SEC. 536. RESEARCH GRANTS.

"(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section, on the basis of a competitive application process (and in accordance with such regulations as the Secretary may promulgate), to a 1994 Institution to assist the Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multistate significance.

"(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with—

"(1) the Agricultural Research Service of the Department of Agriculture; or

"(2) at least 1—

"(A) other land-grant college or university (exclusive of another 1994 Institution);

"(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

"(C) cooperating forestry school (as defined in that 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 1999 through 2023. Amounts appropriated shall remain available until expended."

[Pub. L. 115–334, title VII, §7502(a)(2), Dec. 20, 2018, 132 Stat. 4820, provided that: "The amendment made by paragraph (1) [amending section 532 of Pub. L. 103–382, set out above] shall take effect on the date of the enactment of this Act [Dec. 20, 2018]."]

[Pub. L. 113–79, title VII, §7402(a)(2), Feb. 7, 2014, 128 Stat. 894, provided that: "The amendments made by paragraph (1) [amending section 532 of Pub. L. 103–382, set out above] shall take effect on October 1, 2014."]

[Pub. L. 110–234, title VII, §7402(f), May 22, 2008, 122 Stat. 1246, and Pub. L. 110–246, §4(a), title VII, §7402(f), June 18, 2008, 122 Stat. 1664, 2007, provided that: "The amendment made by subsection (a) [amending section 532 of Pub. L. 103–382, set out above] takes 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.]

### **LAND GRANT COLLEGES IN AMERICAN SAMOA, NORTHERN MARIANA ISLANDS, AND TRUST TERRITORY OF THE PACIFIC ISLANDS**

Pub. L. 96–374, title XIII, §1361(c), (d), Oct. 3, 1980, 94 Stat. 1502, as amended by Pub. L. 99–396, §9(c), Aug. 27, 1986, 100 Stat. 840, provided that:

"(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land grant college in the Virgin Islands or Guam shall apply to the land grant college in American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands) in the same manner and to the same extent.

"(d) Nothing in this section [amending section 326a of this title and provisions set out as a note below] shall be construed to interfere with or affect any of the provisions of the April 17, 1900 Treaty of Cession of Tutuila and Aunu'u Islands or the July 16, 1904 Treaty of Cession of the Manu'a Islands as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4) [48 U.S.C. 1661]."

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

### **COLLEGE OF THE VIRGIN ISLANDS, COMMUNITY COLLEGE OF AMERICAN SAMOA, COLLEGE OF MICRONESIA, NORTHERN MARIANAS COLLEGE, AND UNIVERSITY OF GUAM; LAND-GRANT STATUS; AUTHORIZATION OF APPROPRIATIONS**

Pub. L. 92–318, title V, §506(a), (b), June 23, 1972, 86 Stat. 350, as amended by Pub. L. 96–374, title XIII, §1361(a), Oct. 3, 1980, 94 Stat. 1501; Pub. L. 99–396, §9(a), Aug. 27, 1986, 100 Stat. 840, as amended by Pub. L. 102–247, title III, §305, Feb. 24, 1992, 106 Stat. 39, provided that:

"(a) The College of the Virgin Islands, the Community College of American Samoa, the College of Micronesia[,] the Northern Marianas College, and the University of Guam shall be considered land-grant colleges established for the benefit or agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

"(b) In lieu of extending to the Virgin Islands, Guam, American Samoa, Micronesia, and the Northern Mariana Islands those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land scrip for the endowment and maintenance of colleges or the benefit of agriculture and the mechanic arts, there is authorized to be appropriated \$3,000,000 to the Virgin Islands and \$3,000,000 to Guam and an equal amount to American Samoa, Micronesia, and to the Northern Mariana Islands. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands, Guam, American Samoa, Micronesia, and the Northern Mariana Islands subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip."

### **EXCHANGE OF LAND IN MISSOURI**

Pub. L. 85–282, Sept. 4, 1957, 71 Stat. 607, provided: "That, notwithstanding the provisions of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862 (7 U.S.C. secs. 301–308), the State of Missouri is authorized to convey to the United States all right, title, and interest of such State in and to any land granted to such State under authority of such Act of July 2, 1862, which is located within the exterior boundaries of the national forests situated within such State, and, in

exchange therefor, the Secretary of Agriculture is authorized to convey to the State of Missouri all right, title, and interest of the United States in and to not to exceed an equal value of national forest lands (as determined by the Secretary) situated within such State.

"SEC. 2. Any exchange authorized by the first section of this Act shall be made in accordance with the applicable provisions of section 7 of the Act of March 1, 1911, commonly referred to as the Weeks Law (16 U.S.C., sec. 516), and the applicable provisions of the Act entitled 'An Act to consolidate national forest lands', approved March 20, 1922 (16 U.S.C., secs. 485 and 486).

"SEC. 3. Any land conveyed to the State of Missouri under authority of this Act shall, upon acceptance of such conveyance by such State, be held and considered to be granted to such State subject to the provisions of the Act of July 2, 1862, referred to in the first section of this Act."

### **COOPERATION IN PLACEMENT OF DOMESTIC FARM LABOR**

Act Apr. 28, 1947, ch. 43, §2(b), 61 Stat. 55, provided that: "The Secretary of Agriculture and the Secretary of Labor shall take such action as may be necessary to assure maximum cooperation between the agricultural extension services of the land-grant colleges and the State public employment agencies in the recruitment and placement of domestic farm labor and in the keeping of such records and information with respect thereto as may be necessary for the proper and efficient administration of the State unemployment compensation laws and of title V of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 295)."

### **GRANTS NOT TO EXTEND TO ALASKA**

Land grant under Alaska Statehood provisions as being in lieu of grant of acreage under sections 301 to 305, 307, 308 of this title (declared not to extend to Alaska), see section 6(l) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

### **EXECUTIVE DOCUMENTS**

### **ADMISSION OF ALASKA AS STATE**

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

### **§302. Method of apportionment and selection; issuance of land scrip**

The land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at \$1.25 per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at \$1.25 per acre, to which said State may be entitled under the provisions of this subchapter, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in said sections, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at \$1.25, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before July 2, 1863.

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

### **§303. Management expenses paid by State**

All the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes in sections 304, 305, 307 and 308 of this title mentioned.

(July 2, 1862, ch. 130, §3, 12 Stat. 504.)

### **§304. Investment of proceeds of sale of land or scrip**

All moneys derived from the sale of lands as provided in section 302 of this title by the States to which lands are apportioned and from the sales of land scrip provided for in said section shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State

bonds, in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 305 of this title), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this subchapter, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

(July 2, 1862, ch. 130, §4, 12 Stat. 504; Mar. 3, 1883, ch. 102, 22 Stat. 484; Apr. 13, 1926, ch. 130, 44 Stat. 247.)

#### EDITORIAL NOTES

#### AMENDMENTS

**1926**—Act Apr. 13, 1926, substituted "bonds" for "stocks" and "a fair and reasonable rate of return, to be fixed by the State Legislatures" for "not less than 5 per centum upon the amount so invested", before proviso.

**1883**—Act Mar. 3, 1883, inserted "or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall" after "other safe stocks" and substituted "yield" for "yielding", "principal" for "capital" and "unimpaired" for "undiminished".

### §305. Conditions of grant

The grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions contained in said sections, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by section 304 of this title, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in section 304 of this title, except that a sum, not exceeding 10 per centum upon the amount received by any State under the provisions of this subchapter, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this subchapter shall provide, within five years from the time of its acceptance as provided in subdivision seven of this section, at least not less than one college, as described in section 304 of this title, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail, by each, to all the other colleges which may be endowed under the provisions of this subchapter, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of the provisions of this subchapter.

Seventh. No State shall be entitled to the benefits of the provisions of this subchapter unless it shall express its acceptance thereof by its legislature within three years from July 23, 1866: *Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the provisions of said sections, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as heretofore prescribed in this chapter.

(July 2, 1862, ch. 130, §5, 12 Stat. 504; July 23, 1866, ch. 209, 14 Stat. 208; Mar. 3, 1873, ch. 231, §3, 17 Stat. 559.)

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### REPEALS

Subd. fourth was repealed in part by act March 3, 1873, which provided in part: "That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed from and after June thirtieth, eighteen hundred and seventy-three."

Subd. seventh formerly contained a proviso which read as follows: "*Provided further*, That any State which has prior to July 23, 1866, expressed its acceptance of the foregoing provisions of this chapter shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two shall have expired."

### **§306. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1028**

Section, act July 2, 1862, ch. 130, §6, 12 Stat. 505, related to time of location of land scrip.

### **§307. Fees for locating land scrip**

The land officers shall receive the same fees for locating land scrip issued under the provisions of this subchapter as was on July 2, 1862, allowed for the location of military bounty land warrants under laws existing at that time: *Provided*, That their maximum compensation shall not be thereby increased.

(July 2, 1862, ch. 130, §7, 12 Stat. 505.)

### **§308. Reports by State governors of sale of scrip**

The governors of the several States to which scrip shall be issued under the provisions of this subchapter shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

(July 2, 1862, ch. 130, §8, 12 Stat. 505.)

### **§309. Land grants in the State of North Dakota**

#### **(a) Expenses**

Notwithstanding section 303 of this title, the State of North Dakota shall manage the land granted to the State under section 301 of this title, including any proceeds from the land, in accordance with this section.

#### **(b) Disposition of proceeds**

Notwithstanding section 304 of this title, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this subchapter are deposited (referred to in this section as the "trust fund")—

- (1) deposit all revenues earned by a trust fund into the trust fund;
- (2) deduct the costs of administering a trust fund from each trust fund; and
- (3) manage each trust fund to—
  - (A) preserve the purchasing power of the trust fund; and
  - (B) maintain stable distributions to trust fund beneficiaries.

#### **(c) Distributions**

Notwithstanding section 304 of this title, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

#### **(d) Management**

Notwithstanding section 305 of this title, the State of North Dakota shall manage the land granted under section 301 of this title, including any proceeds from the land, in accordance with this section.

(July 2, 1862, ch. 130, §9, as added Pub. L. 111–11, title XIII, §13001(b), Mar. 30, 2009, 123 Stat. 1446.)

## **SUBCHAPTER II—COLLEGE-AID ANNUAL APPROPRIATION**

### **§321. Secretary of Agriculture to administer annual college-aid appropriation**

The Secretary of Agriculture is charged with the proper administration of this subchapter.

(Aug. 30, 1890, ch. 841, §4, 26 Stat. 419; 1939 Reorg. Plan No. 1, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title III, §301(a)(2)(E), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97–98, title XIV, §1419, Dec. 22, 1981, 95 Stat. 1306.)

## EDITORIAL NOTES

## CODIFICATION

Section constitutes part of section 4 of act Aug. 30, 1890. Remainder of section 4 is classified to section 326 of this title.

## STATUTORY NOTES AND RELATED SUBSIDIARIES

## SHORT TITLE

Act Aug. 30, 1890, as amended, which is classified to this subchapter, is popularly known as the "Agricultural College Act of 1890" and also as the "Second Morrill Act".

## TRANSFER OF FUNCTIONS

Functions and duties of Secretary of Education under this subchapter transferred to Secretary of Agriculture by section 1419 of Pub. L. 97–98.

Functions of Secretary of Health, Education, and Welfare under this subchapter transferred to Secretary of Education by section 301(a)(2)(E) of Pub. L. 96–88, which is classified to section 3441(a)(2)(E) of Title 20, Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of 1953 Reorg. Plan No. 1, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of 1953 Reorg. Plan No. 1.

Prior to July 1, 1939, functions of Secretary of the Interior under this subchapter were carried out through Office of Education of Department of the Interior. Office of Education and its functions transferred to Federal Security Administrator by section 204 of 1939 Reorg. Plan No. 1, set out in the Appendix to Title 5.

## DESIGNATION OF CENTRAL STATE UNIVERSITY AS 1890 INSTITUTION

Pub. L. 113–79, [title VII, §7129, Feb. 7, 2014](#), 128 Stat. 880, provided that:

"(a) DESIGNATION.—Any provision of a Federal law relating to colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, shall apply to Central State University.

"(b) FUNDING RESTRICTION.—Notwithstanding the designation under subsection (a), for fiscal years 2014 and 2015, Central State University shall not be eligible to receive formula funds under—

"(1) section 1444 or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221 and 3222);

"(2) section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) to carry out the national education program established under section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175);

"(3) the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.); or

"(4) Public Law 87–788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.)."

## WEST VIRGINIA STATE COLLEGE AT INSTITUTE, WEST VIRGINIA

Pub. L. 107–76, [title VII, §753, Nov. 28, 2001](#), 115 Stat. 740, provided that: "Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890 [7 U.S.C. 321 et seq.], including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: *Provided*, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement."

## §322. Annual appropriation

There is annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as provided in section 324 of this title, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of subchapter I of this chapter, \$50,000 to be applied only to instruction in food and agricultural sciences, and to the facilities for such instruction: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of food and agricultural sciences.

(Aug. 30, 1890, ch. 841, §1, 26 Stat. 417; Mar. 4, 1907, ch. 2907, 34 Stat. 1281, 1282; Pub. L. 97–98, title XIV, §1421, Dec. 22, 1981, 95 Stat. 1306.)

#### EDITORIAL NOTES

#### CODIFICATION

Section is based on a part of section 1 of act Aug. 30, 1890, and the tenth and eleventh pars. under the heading "Emergency Appropriations" of act Mar. 4, 1907. Remainder of section 1 of act Aug. 30, 1890, is classified to section 323 of this title.

#### AMENDMENTS

**1981**—Pub. L. 97–98 substituted "food and agricultural sciences" for "agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life" and "the elements of food and agricultural sciences" for "the elements of agriculture and the mechanic arts".

**1907**—Act Mar. 4, 1907, substituted "\$50,000" for "\$25,000", and inserted proviso.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### 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.

#### TRANSFER OF FUNCTIONS

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.

#### AVAILABILITY OF FUNDS FOR PAYMENTS UNDER THIS SUBCHAPTER

Pub. L. 103–330, [title VII, §724, Sept. 30, 1994](#), 108 Stat. 2469, provided that: "No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1890 and the tenth and eleventh paragraphs under the heading 'Emergency Appropriations' of the Act of March 4, 1907 (7 U.S.C. 321 et seq.)."

### §323. Racial discrimination by colleges restricted

No money shall be paid out under this subchapter to any State or Territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of said sections if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of subchapter I of this chapter, and also in which an educational institution of like character has been established, or may be hereafter established, and is on August 30, 1890, aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money prior to August 30, 1890, under said subchapter I, the legislature of such State may propose and report to the Secretary of Agriculture a just and equitable division of the fund to be received under this subchapter between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of said sections and subject to their provisions, as much as it would have been if it had been included under subchapter I of this chapter, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

(Aug. 30, 1890, ch. 841, §1, 26 Stat. 417; 1939 Reorg. Plan No. 1, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, [title III, §301\(a\)\(2\)\(E\)](#), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97–98, [title XIV, §1419](#), Dec. 22, 1981, 95 Stat. 1306.)

#### EDITORIAL NOTES

#### CODIFICATION

Section constitutes part of section 1 of act Aug. 30, 1890. Remainder of section 1 is classified to section 322 of this title.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### TRANSFER OF FUNCTIONS

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.

### **§324. Time, manner, etc., of annual payments**

The sums appropriated by this subchapter to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of October of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture, on or before the 1st day of December of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this subchapter are made subject to the legislative assent of the several States and Territories to the purpose of said grants.

(Aug. 30, 1890, ch. 841, §2, 26 Stat. 418; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 94-273, §9(1), Apr. 21, 1976, 90 Stat. 378; Pub. L. 96-88, title III, §301(a)(2)(E), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97-98, title XIV, §1419, Dec. 22, 1981, 95 Stat. 1306.)

#### **EDITORIAL NOTES**

#### **AMENDMENTS**

1976—Pub. L. 94-273 substituted "October" for "July" and "December" for "September".

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **TRANSFER OF FUNCTIONS**

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.

Functions of Department of Health, Education, and Welfare and Secretary thereof under this subchapter transferred to Secretary of Education by section 301(a)(2)(E) of Pub. L. 96-88, which is classified to section 3441(a)(2)(E) of Title 20, Education.

Transfer of functions from Secretary of the Interior to Secretary of Health, Education, and Welfare, see note set out under section 321 of this title.

### **§325. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges**

If any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this subchapter, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this subchapter.

(Aug. 30, 1890, ch. 841, §3, 26 Stat. 418; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title III, §301(a)(2)(E), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97-98, title XIV, §1419, Dec. 22, 1981, 95 Stat. 1306.)

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **TRANSFER OF FUNCTIONS**

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.

Functions of Department of Health, Education, and Welfare and Secretary thereof under this subchapter transferred to Secretary of Education by section 301(a)(2)(E) of Pub. L. 96-88, which is

classified to section 3441(a)(2)(E) of Title 20, Education.

Transfer of functions from Secretary of the Interior to Secretary of Health, Education, and Welfare, see note set out under section 321 of this title.

### **§326. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress**

On or before the 1st day of October in each year, the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this subchapter, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its 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 close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury.

(Aug. 30, 1890, ch. 841, §4, 26 Stat. 419; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 94-273, §3(1), Apr. 21, 1976, 90 Stat. 376; Pub. L. 96-88, title III, §301(a)(2)(E), Oct. 17, 1979, 93 Stat. 677; Pub. L. 97-97, title XIV, §1419, Dec. 22, 1981, 95 Stat. 1306.)

#### **EDITORIAL NOTES**

#### **CODIFICATION**

Section constitutes part of section 4 of act Aug. 30, 1890. Remainder of section 4 is classified to section 321 of this title.

#### **AMENDMENTS**

1976—Pub. L. 94-273 substituted "October" for "July".

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **TRANSFER OF FUNCTIONS**

For transfer of functions under this section to Secretary of Agriculture, see note set out under section 321 of this title.

Functions of Department of Health, Education, and Welfare and Secretary thereof under this subchapter transferred to Secretary of Education by section 301(a)(2)(E) of Pub. L. 96-88, which is classified to section 3441(a)(2)(E) of Title 20, Education.

Transfer of functions from Secretary of the Interior to Secretary of Health, Education, and Welfare, see note set out under section 321 of this title.

### **§326a. Annual appropriations for Puerto Rico, Virgin Islands, American Samoa, Guam, Northern Mariana Islands, Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau**

There is appropriated annually, out of funds in the Treasury not otherwise appropriated, for payment to 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, and the Republic of Palau the amount they would be entitled to receive under this subchapter if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case if they had been appropriated by the first sentence of section 322 of this title.

(Aug. 30, 1890, ch. 841, §5, as added Pub. L. 92-318, title V, §506(c), June 23, 1972, 86 Stat. 350; amended Pub. L. 96-374, title XIII, §1361(b), Oct. 3, 1980, 94 Stat. 1502; Pub. L. 99-396, §9(b), Aug. 27, 1986, 100 Stat. 840; Pub. L. 100-339, §2, June 17, 1988, 102 Stat. 620; Pub. L. 103-382, title III, §352, Oct. 20, 1994, 108 Stat. 3966.)

#### **EDITORIAL NOTES**

#### **CODIFICATION**

"Appropriated by section 322 of this title" substituted in text for "appropriated by the first sentence of section 1". The first sentence of section 1 of act Aug. 30, 1890, is classified to sections 322 and 323 of this title, but section 322 only contains the appropriation provision.

## AMENDMENTS

**1994**—Pub. L. 103–382 substituted "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau" for "and the Trust Territory of the Pacific Islands or its successor governments".

**1988**—Pub. L. 100–339 amended section generally. Prior to amendment, section read as follows: "There is authorized to be appropriated annually for payment to the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands) the amount they would receive under this subchapter if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case if they had been appropriated by section 322 of this title."

**1986**—Pub. L. 99–396 substituted "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" for "and Micronesia, and Guam".

**1980**—Pub. L. 96–374 inserted references to American Samoa and Micronesia.

### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–339, §3, June 17, 1988, 102 Stat. 621, provided that: "This Act [amending this section] shall take effect on October 1, 1987."

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96–374, set out as a note under section 1001 of Title 20, Education.

#### EFFECTIVE DATE

Pub. L. 92–318, title V, §506(n), June 23, 1972, 86 Stat. 352, provided that: "The amendments made by this section [enacting this section, amending sections 329, 331, 343, 349, 361a, 361c, and 1626 of this title and sections 582a–3 and 582a–7 of Title 16, and enacting provisions set out as notes under this section and section 301 of this title] shall be effective after June 30, 1970."

#### STATE CONSENT

Pub. L. 92–318, title V, §506(m), June 23, 1972, 86 Stat. 352, provided that: "With respect to the Virgin Islands and Guam, the enactment of this section [see Effective Date note above] shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section."

#### **§327. Repealed. May 29, 1928, ch. 901, §1(74), 45 Stat. 991**

Section, act Aug. 30, 1890, ch. 841, §5, 26 Stat. 419, related to reports by Secretary of the Interior of disbursements and certificates withheld.

#### **§328. Power to amend, repeal, etc., reserved**

Congress may at any time amend, suspend, or repeal any or all of the provisions of this subchapter. (Aug. 30, 1890, ch. 841, §6, 26 Stat. 419.)

#### **§329. Additional appropriation for agricultural colleges**

In order to provide for the more complete endowment and support of the colleges in the several States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands entitled to the benefits of the Act entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended and supplemented (7 U.S.C. 301–328), there are authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

(a) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, \$8,250,000; and

(b) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, \$4,380,000.

The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana

Islands in the proportion to which the total population of each State, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands bears to the total population of all the States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such Act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such Act, as amended and supplemented. The provisions of law applicable to the use and payment of sums under the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July 2, 1862," approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section.

(June 29, 1935, ch. 338, title II, §22, 49 Stat. 439; June 12, 1952, ch. 419, §§1–4, 66 Stat. 135, 136; Pub. L. 86–658, July 14, 1960, 74 Stat. 525; Pub. L. 89–791, title I, §108(a), Nov. 7, 1966, as added Pub. L. 90–354, §1, June 20, 1968, 82 Stat. 241; Pub. L. 92–318, title V, §506(d), June 23, 1972, 86 Stat. 350; Pub. L. 99–396, §9(d), Aug. 27, 1986, 100 Stat. 840.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

Act of July 2, 1862, as amended and supplemented (7 U.S.C. 301–328), referred to in text, probably means 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 this chapter, along with the Act of August 30, 1890, see below. For complete classification of act July 2, 1862, to the Code, see Short Title note set out under section 301 of this title and Tables.

The words "date of enactment of this Act" appear in par. (a) of section 22 of act June 29, 1935, which was approved on June 29, 1935, and also in pars. (a) and (b) of section 22 of act June 29, 1935, as amended by Pub. L. 86–658, which was approved on July 14, 1960.

Act of August 30, 1890, as amended and supplemented, referred to in text, 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 this subchapter. 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 not enacted as part of the act Aug. 30, 1890, which comprises this subchapter. Section was formerly classified to section 343d of this title.

#### AMENDMENTS

**1986**—Pub. L. 99–396 substituted "Guam, and the Northern Mariana Islands" for "and Guam" in five places, "\$8,250,000" for "\$8,100,000", and "\$4,380,000" for "\$4,360,000".

**1972**—Pub. L. 92–318 inserted references to Virgin Islands and Guam, and substituted "\$8,100,000" and "\$4,360,000" for "\$7,800,000" and "\$4,320,000", respectively.

**1968**—Pub. L. 89–791, as added by Pub. L. 90–354, increased authorization for annual appropriations for Federal grants to States for support of resident teaching in land-grant colleges and universities from an authorization of \$7,650,000 to \$7,800,000, allocated equally among the States, and from an authorization of \$4,300,000, allotted on basis of relative State population, to \$4,320,000.

**1960**—Pub. L. 86–658 increased authorization for annual appropriations for Federal grants to States for support of resident teaching in land-grant colleges and universities from an authorization of \$1,000,000, allocated equally among the States, to \$7,650,000, and from an authorization of \$1,501,500, allotted on basis of relative State population, to \$4,300,000, struck out references to Territories of Alaska and Hawaii as now included in term "States" and included Puerto Rico in provisions of section.

**1952**—Opening par. Act June 12, 1952, §1, made section applicable to Alaska.

Par. (a). Act June 12, 1952, §2, increased allotment from \$980,000 to \$1,000,000.

Par. (b). Act June 12, 1952, §§3, 4, increased additional allotment of \$1,500,000 to \$1,501,500, and made said par. applicable to Alaska.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–318 effective after June 30, 1970, see section 506(n) of Pub. L. 92–318, set out as an Effective Date note under section 326a of this title.

#### EFFECTIVE DATE OF 1952 AMENDMENT

Act [June 12, 1952, ch. 419, §5](#), 66 Stat. 136, provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the first fiscal year beginning on or after the

date of enactment of this Act [June 12, 1952]."

## SUBCHAPTER III—RETIREMENT OF EMPLOYEES

### §331. Retirement of land-grant college employees

Pursuant to the recognized obligations of governments to guarantee the social security of their employees and in order to provide for the retirement on an annuity, or otherwise, of all persons being paid salaries in whole or in part from grants of Federal funds to the several States, Puerto Rico, the Virgin Islands, and Guam pursuant to the terms of the Act approved July 2, 1862, for the endowment and support of colleges of agriculture and mechanic arts [7 U.S.C. 301 et seq.], and Acts supplementary thereto providing for instruction in agriculture and mechanic arts, for the establishment of agricultural experiment stations, and for cooperative extension work in agriculture and home economics, all States, Puerto Rico, the Virgin Islands, and Guam are after March 4, 1940, authorized, notwithstanding any contrary provisions in said Acts, to withhold from expenditure, from Federal funds advanced under the terms of said Acts, amounts designated as employer contributions to be made by the States, Puerto Rico, the Virgin Islands, or Guam to retirement systems established in accordance with the laws of such States, Puerto Rico, the Virgin Islands, or Guam, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States, Puerto Rico, the Virgin Islands, and Guam: *Provided*, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: *Provided further*, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: *Provided further*, That the deposits and contributions from funds of Federal origin to any retirement system established by a State, Puerto Rico, the Virgin Islands, or Guam or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, Puerto Rico, the Virgin Islands, or Guam, and the counties: *And provided further*, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States, Puerto Rico, the Virgin Islands, or Guam: *Provided further*, That the provisions of this section shall not apply to any employee paid in whole or in part from Federal funds who may be subject to subchapter III of chapter 83 of title 5.

(Mar. 4, 1940, ch. 38, 54 Stat. 39; Pub. L. 92-318, title V, §506(e), June 23, 1972, 86 Stat. 351.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

The Act approved July 2, 1862, referred to in text, is act [July 2, 1862, ch. 130](#), 12 Stat. 503, as amended, known as the "Morrill Act" and also known as the "First Morrill Act", which is classified generally to subchapter I (§301 et seq.) of this chapter. "Acts supplementary thereto" include act [Aug. 30, 1890, ch. 841](#), 26 Stat. 417, popularly known as the Agricultural College Act of 1890, and also known as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of this chapter. For complete classification of these Acts to the Code, see Short Title notes set out under sections 301 and 321 of this title and Tables.

#### CODIFICATION

"Subchapter III of chapter 83 of title 5" substituted in text for "United States Civil Service Retirement Act, as amended" on authority of Pub. L. 89-544, [§7\(b\), Sept. 6, 1966](#), 80 Stat. 631, [632](#), the first section of which enacted Title 5, Government Organization and Employees.

#### AMENDMENTS

**1972**—Pub. L. 92-318 substituted ", Puerto Rico, the Virgin Islands, and Guam" and ", Puerto Rico, the Virgin Islands, or Guam" for "and Territories" and "or Territories", respectively, wherever appearing and inserted in third proviso reference to Puerto Rico, Virgin Islands, and Guam.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of this title.

**§341. Cooperative extension work by colleges**

In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy, and to encourage the application of the same, there may be continued or inaugurated in connection with the college or colleges in each State, Territory, or possession, now receiving, or which may hereafter receive, the benefits of subchapters I and II of this chapter, agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State, Territory, or possession in which two or more such colleges have been or hereafter may be established, the appropriations hereinafter made to such State, Territory, or possession shall be administered by such college or colleges as the legislature of such State, Territory, or possession may direct. For the purposes of this subchapter, the term "solar energy" means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear <sup>1</sup> Energy Research and Development Act of 1974, as amended [42 U.S.C. 5901 et seq.].

(May 8, 1914, ch. 79, §1, 38 Stat. 372; June 26, 1953, ch. 157, §1, 67 Stat. 83; Pub. L. 95–113, title XIV, §1447(1), (2), Sept. 29, 1977, 91 Stat. 1011; Pub. L. 96–294, title II, §256(1), June 30, 1980, 94 Stat. 708.)

**EDITORIAL NOTES****REFERENCES IN TEXT**

The Federal Nonnuclear Energy Research and Development Act of 1974, as amended, referred to in text, is Pub. L. 93–577, Dec. 31, 1974, 88 Stat. 1878, which is classified generally to chapter 74 (§5901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of Title 42 and Tables.

**CODIFICATION**

Another section 1447 of Pub. L. 95–113 is classified to section 3222b of this title.

**AMENDMENTS**

**1980**—Pub. L. 96–294 inserted reference to rural energy.

**1977**—Pub. L. 95–113 inserted reference to the uses of solar energy with respect to agriculture and inserted definition of "solar energy".

**1953**—Act June 26, 1953, inserted "continued or" before "inaugurated" near beginning of section, inserted references to "territory, or possession" after "State," wherever the latter term appeared, and struck out a second proviso which continued farm management work and farmers' cooperative demonstration work as conducted May 8, 1914, pending inauguration and development of cooperative extension work under sections 341–343 and 344–348 of this title.

**STATUTORY NOTES AND RELATED SUBSIDIARIES****EFFECTIVE DATE OF 1977 AMENDMENT**

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

**SHORT TITLE**

Act May 8, 1914, ch. 79, §11, as added by Pub. L. 105–185, §3(a), June 23, 1998, 112 Stat. 525, provided that: "This Act [enacting this subchapter] may be cited as the 'Smith-Lever Act'."

Act May 8, 1914, as amended, is also popularly known as the "Agricultural Extension Work Act".

**EXECUTIVE DOCUMENTS****TRANSFER OF FUNCTIONS**

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

<sup>1</sup> *So in original. Probably should be "Nonnuclear".*

## **§342. Cooperative agricultural extension work; cooperation with Secretary of Agriculture**

Cooperative agricultural extension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy and subjects relating thereto to persons not attending or resident in said colleges in the several communities, and imparting information on said subjects through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the foregoing; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges or Territory or possession receiving the benefits of this subchapter.

(May 8, 1914, ch. 79, §2, 38 Stat. 373; June 26, 1953, ch. 157, §1, 67 Stat. 84; Pub. L. 87-749, §1(a), Oct. 5, 1962, 76 Stat. 745; Pub. L. 95-113, title XIV, §1447(3), Sept. 29, 1977, 91 Stat. 1011; Pub. L. 96-294, title II, §256(2), June 30, 1980, 94 Stat. 708; Pub. L. 99-198, title XIV, §1435(a), Dec. 23, 1985, 99 Stat. 1557.)

### **EDITORIAL NOTES**

### **CODIFICATION**

Another section 1447 of Pub. L. 95-113 is classified to section 3222b of this title.

### **AMENDMENTS**

**1985**—Pub. L. 99-198 substituted "shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies" for "shall consist of the giving of instructions and practical demonstrations".

**1980**—Pub. L. 96-294 inserted reference to rural energy.

**1977**—Pub. L. 95-113 inserted reference to uses of solar energy with respect to agriculture.

**1962**—Pub. L. 87-749 inserted "or Territory or possession" after "college or colleges".

**1953**—Act June 26, 1953, inserted "and subjects relating thereto" after "agriculture and home economics" near beginning of section, and inserted reference to necessary printing and distribution of information.

### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **EFFECTIVE DATE OF 1985 AMENDMENT**

Amendment by Pub. L. 99-198 effective Oct. 1, 1985, see section 1435(d) of Pub. L. 99-198, set out as a note under section 343 of this title.

#### **EFFECTIVE DATE OF 1977 AMENDMENT**

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

## **§343. Appropriations; distribution; allotment and apportionment; Secretary of Agriculture; matching funds; cooperative extension activities**

(a) There are authorized to be appropriated for the purposes of this subchapter such sums as Congress may from time to time determine to be necessary.

(b)(1) Out of such sums, each State and the Secretary of Agriculture shall be entitled to receive annually a sum of money equal to the sums available from Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.

(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands, Guam, and the Northern Mariana Islands, \$100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this subchapter, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this subchapter.

(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), such sums as are necessary for the purposes set forth in section 342 of this title.

The balance of any annual funds provided under the preceding sentence for a fiscal year that remains unexpended at the end of that fiscal year shall remain available without fiscal year limitation. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to 1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under subchapters I and II of this chapter, including Tuskegee University, located in any State.

(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for payments to Hispanic-serving agricultural colleges and universities (as defined in section 3103 of this title) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the "First Morrill Act") (7 U.S.C. 301 et seq.); and

(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary.

(c) Any sums made available by the Congress for further development of cooperative extension work in addition to those referred to in subsection (b) of this section shall be distributed as follows:

(1) Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Secretary of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department and the several States, Territories, and possessions.

(2) Of the remainder so appropriated for each fiscal year 20 per centum shall be paid to the several States in equal proportions, 40 per centum shall be paid to the several States in the proportion that the rural population of each bears to the total rural population of the several States as determined by the census, and the balance shall be paid to the several States in the proportion that the farm population of each bears to the total farm population of the several States as determined by the census. Any appropriation made hereunder shall be allotted in the first and succeeding years on the basis of the decennial census current at the time such appropriation is first made, and as to any increase, on the basis of decennial census current at the time such increase is first appropriated.

(d) The Secretary of Agriculture shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions. A college or university eligible to receive funds under subchapter II of this chapter, including Tuskegee University, may compete for and receive funds directly from the Secretary of Agriculture. A 1994 Institution (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)) may compete for and receive funds directly from the Secretary of Agriculture for the Children, Youth, and Families at Risk funding program and the Federally Recognized Tribes Extension Program.

(e) MATCHING FUNDS.—

(1) REQUIREMENT.—Except as provided in paragraph (4) and subsection (f), no allotment shall be made to a State under subsection (b) or (c), and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for cooperative extension work.

(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

(B) the amount of matching funds actually provided by the State.

(3) REAPPORTIONMENT.—

(A) IN GENERAL.—The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

(B) MATCHING REQUIREMENT.—Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

(4) EXCEPTION FOR INSULAR AREAS.—

(A) IN GENERAL.—Effective beginning for fiscal year 2003, in lieu of the matching funds requirement of paragraph (1), the insular areas of the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds distributed by the Secretary to each of the insular areas, respectively, under this section.

(B) **WAIVERS.**—The Secretary may waive the matching fund requirement of subparagraph (A) for any fiscal year if the Secretary determines that the government of the insular area will be unlikely to meet the matching requirement for the fiscal year.

(f) **MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.**—There shall be no matching requirement for funds made available to a 1994 Institution or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b).

(g)(1) The Secretary of Agriculture may conduct educational, instructional, demonstration, and publication distribution programs and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.

(2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

(h) **MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.**—

(1) **IN GENERAL.**—Not less than the applicable percentage specified under paragraph (2) of the amounts that are paid to a State under subsections (b) and (c) during a fiscal year shall be expended by States for cooperative extension activities in which 2 or more States cooperate to solve problems that concern more than 1 State (referred to in this subsection as "multistate activities").

(2) **APPLICABLE PERCENTAGES.**—

(A) **1997 EXPENDITURES ON MULTISTATE ACTIVITIES.**—Of the Federal formula funds that were paid to each State for fiscal year 1997 under subsections (b) and (c), the Secretary of Agriculture shall determine the percentage that the State expended for multistate activities.

(B) **REQUIRED EXPENDITURES ON MULTISTATE ACTIVITIES.**—Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under subsections (b) and (c), the State shall expend for the fiscal year for multistate activities a percentage that is at least equal to the lesser of—

(i) 25 percent; or

(ii) twice the percentage for the State determined under subparagraph (A).

(C) **REDUCTION BY SECRETARY.**—The Secretary may reduce the minimum percentage required to be expended for multistate activities under subparagraph (B) by a State in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

(3) **APPLICABILITY.**—This subsection does not apply to funds provided—

(A) by a State or local government pursuant to a matching requirement;

(B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)); or

(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(i) **MERIT REVIEW.**—

(1) **REVIEW REQUIRED.**—Effective October 1, 1999, extension activity carried out under subsection (h) shall be subject to merit review.

(2) **OTHER REQUIREMENTS.**—An extension activity for which merit review is conducted under paragraph (1) shall be considered to have satisfied the requirements for review under section 7613(e) of this title.

(j) **INTEGRATION OF RESEARCH AND EXTENSION.**—Section 361c(i) of this title shall apply to amounts made available to carry out this subchapter.

(May 8, 1914, ch. 79, §3, 38 Stat. 373; June 26, 1953, ch. 157, §1, 67 Stat. 84; Pub. L. 87–749, §1(b)–(e), Oct. 5, 1962, 76 Stat. 745; Pub. L. 92–318, title V, §506(g), June 23, 1972, 86 Stat. 351; Pub. L. 95–113, title XIV, §1465, Sept. 29, 1977, 91 Stat. 1018; Pub. L. 99–198, title XIV, §1435(b), Dec. 23, 1985, 99 Stat. 1557; Pub. L. 99–396, §9(e), Aug. 27, 1986, 100 Stat. 840; Pub. L. 103–382, title V, §534(b), Oct. 20, 1994, 108 Stat. 4050; Pub. L. 104–127, title VIII, §883(a), Apr. 4, 1996, 110 Stat. 1176; Pub. L. 105–185, title I, §105, title II, §§201, 203(b), (c)(2), 204(b), June 23, 1998, 112 Stat. 529, 531, 534, 536; Pub. L. 105–277, div. A, §101(a) [title VII, §753(e)], Oct. 21, 1998, 112 Stat. 2681, 2681–33; Pub. L. 107–171, title VII, §§7213(b), 7215, May 13, 2002, 116 Stat. 448; Pub. L. 110–234, title VII, §§7129(b), 7403(a), May 22, 2008, 122 Stat. 1226, 1246; Pub. L. 110–246, §4(a), title VII, §§7129(b), 7403(a), June 18, 2008, 122 Stat. 1664, 1987, 2007; Pub. L. 115–334, title VII, §§7609(a), 7612(a)(1), Dec. 20, 2018, 132 Stat. 4830, 4831.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

Section 532 of the Equity in Educational Land-Grant Status Act of 1994, referred to in subsec. (b) (3), is section 532 of Pub. L. 103–382, which is set out as a note under section 301 of this title.

The Act of July 2, 1862, referred to in subsec. (b)(4)(C)(ii), 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.

## 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

**2018**—Subsec. (d). Pub. L. 115–334, §7609(a), inserted at end "A 1994 Institution (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)) may compete for and receive funds directly from the Secretary of Agriculture for the Children, Youth, and Families at Risk funding program and the Federally Recognized Tribes Extension Program."

Subsec. (h)(2)(D). Pub. L. 115–334, §7612(a)(1), struck out subpar. (D). Prior to amendment, text read as follows: "The State shall include in the plan of work of the State required under section 344 of this title a description of the manner in which the State will meet the requirements of this paragraph."

**2008**—Subsec. (b)(4). Pub. L. 110–246, §7129(b)(1), added par. (4).

Subsec. (d). Pub. L. 110–246, §7403(a), substituted "compete for and receive funds directly from the Secretary of Agriculture." for "apply for and receive directly from the Secretary of Agriculture—

"(1) amounts made available under this subsection after September 30, 1995, to carry out programs or initiatives for which no funds were made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and

"(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the programs or initiatives under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary."

Subsec. (f). Pub. L. 110–246, §7129(b)(2), in heading, inserted "*and Hispanic-Serving Agricultural Colleges and Universities*" after "1994 INSTITUTIONS" and, in text, substituted "or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)" for "pursuant to subsection (b)(3) of this section".

**2002**—Subsec. (b)(3). Pub. L. 107–171, §7215, substituted "such sums as are necessary" for "\$5,000,000" and inserted "The balance of any annual funds provided under the preceding sentence for a fiscal year that remains unexpended at the end of that fiscal year shall remain available without fiscal year limitation." after "section 342 of this title."

Subsec. (e)(4). Pub. L. 107–171, §7213(b), added par. (4) and struck out heading and text of former par. (4). Text read as follows: "In lieu of the matching funds requirement of paragraph (1), the Commonwealth of Puerto Rico, the Virgin Islands, and Guam shall be subject to the same matching funds requirements as those applicable to an eligible institution under section 3222d of this title."

**1998**—Subsec. (b)(1). Pub. L. 105–185, §203(c)(2)(A), substituted "Secretary of Agriculture" for "Federal Extension Service".

Subsec. (b)(3). Pub. L. 105–185, §201, substituted "1994 Institutions (in accordance with regulations that the Secretary may promulgate) and may be administered by the 1994 Institutions through cooperative agreements with colleges and universities eligible to receive funds under subchapters I and II of this chapter, including Tuskegee University, located in any State." for "State institutions established in accordance with the provisions of subchapter I of this chapter (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt."

Subsec. (c)(1). Pub. L. 105–185, §203(b)(1)(A), (c)(2)(A), redesignated par. 1 as (1) and substituted "Secretary of Agriculture" for "Federal Extension Service".

Subsec. (c)(2). Pub. L. 105–185, §203(b)(1), redesignated par. 2 as (2) and substituted "census. Any" for "census: *Provided*, That payments out of the additional appropriations for further development of extension work authorized herein may be made subject to the making available of such sums of public funds by the States from non-Federal funds for the maintenance of cooperative agricultural extension work provided for in this subchapter, as may be provided by the Congress at the time such additional appropriations are made: *Provided further*, That any".

Subsec. (d). Pub. L. 105–185, §203(c)(2)(A), substituted "Secretary of Agriculture" for "Federal Extension Service".

Subsec. (e). Pub. L. 105–185, §203(b)(2), added subsec. (e) and struck out former subsec. (e) which read as follows: "Insofar as the provisions of subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977."

Subsec. (e)(1). Pub. L. 105-277, §101(a) [title VII, §753(e)(1)], inserted "paragraph (4) and" after "provided in".

Subsec. (e)(4). Pub. L. 105-277, §101(a) [title VII, §753(e)(2)], added par. (4).

Subsec. (f). Pub. L. 105-185, §203(b)(2), added subsec. (f) and struck out former subsec. (f) which read as follows: "There shall be no matching requirement for funds made available pursuant to subsection (b)(3) of this section."

Subsec. (g)(1). Pub. L. 105-185, §203(c)(2)(B), struck out "through the Federal Extension Service" after "distribution programs".

Subsecs. (h), (i). Pub. L. 105-185, §105, added subsecs. (h) and (i).

Subsec. (j). Pub. L. 105-185, §204(b), added subsec. (j).

1996—Subsec. (d). Pub. L. 104-127 inserted at end "A college or university eligible to receive funds under subchapter II of this chapter, including Tuskegee University, may apply for and receive directly from the Secretary of Agriculture—" and added pars. (1) and (2).

1994—Subsec. (b)(3). Pub. L. 103-382, §534(b)(1), added par. (3).

Subsecs. (f), (g). Pub. L. 103-382, §534(2), (3), added subsec. (f) and redesignated former subsec. (f) as (g).

1986—Subsec. (b)(2). Pub. L. 99-396 substituted "Guam, and the Northern Mariana Islands" for "and Guam" in provision authorizing an appropriation each fiscal year for the payment of \$100,000 in addition to the sums appropriated for the States and Puerto Rico.

1985—Subsec. (f). Pub. L. 99-198 added subsec. (f).

1977—Subsec. (e). Pub. L. 95-113 added subsec. (e).

1972—Subsec. (b). Pub. L. 92-318 designated existing provisions as par. (1) and added par. (2).

1962—Subsec. (b). Pub. L. 87-749, §1(b), substituted "sums available" for "sums received", and "1962" for "1953", and struck out ", Alaska, Hawaii, Puerto Rico," before "and the Federal Extension Service", "such sums shall be" before "subject to the same requirement", ", Alaska, Hawaii, and Puerto Rico as existed immediately prior to June 26, 1953" before "except that amounts heretofore", and proviso which authorized Puerto Rico to receive the total initial amount set by Act Oct. 26, 1949, which amount was to be increased yearly until the total sum equalled the maximum amount set by such Act, and to receive such amount annually thereafter.

Subsec. (c)1. Pub. L. 87-749, §1(c), provided that the allotment shall be to the Federal Extension Service for various services and for coordinating the extension work of the Department, States, Territories and Possessions, and struck out provisions which required the Secretary to allot the funds among the States, Alaska, Hawaii, and Puerto Rico according to special needs.

Subsec. (c)2. Pub. L. 87-749, §1(d), substituted provisions authorizing 20 per centum of the remainder of the appropriated funds to be paid to the States in equal proportions, 40 per centum of such funds to be paid to the States in the proportion that the rural population of each bears to the total rural population of the States, and the balance to be paid the States in the proportion that the farm population of each bears to the total farm population of the States, for provisions paying 50 per centum of the remaining sum to the States, Alaska, Hawaii and Puerto Rico in the proportion that the rural population of each had to the total rural population of all, and the balance in the proportion that the farm population of each had to the farm population of all, and struck out ", Alaska, Hawaii, and Puerto Rico" from first proviso.

Subsec. (d). Pub. L. 87-749, §1(e), inserted "additional" after "receive such".

1953—Act June 26, 1953, amended section generally, and, among other changes: (1) divided section into subsections; (2) substituted general authorization for appropriations for former authorization for specific annual appropriations; (3) inserted references to Alaska, Hawaii, and Puerto Rico; and (4) substituted provisions relating to allotment and apportionment of appropriations for former provisions for such apportionment on basis of rural population, and farm population, as determined by latest census.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### 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

Pub. L. 105-277, div. A, §101(a) [title VII, §753(f)], Oct. 21, 1998, 112 Stat. 2681, 2681-33, provided that: "The amendments made by this section [amending this section, sections 361c, 2204f, 4606, and 7621 of this title, and section 1642 of Title 16, Conservation] shall take effect on the date of enactment of the Agricultural Research, Extension, and Education Reform Act of 1998 [June 23, 1998]."

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–198, [title XIV, §1435\(d\)](#), Dec. 23, 1985, 99 Stat. 1558, provided that: "This section and the amendments made by this section [amending this section and section 342 of this title] shall become effective on October 1, 1985."

#### **EFFECTIVE DATE OF 1977 AMENDMENT**

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

#### **EFFECTIVE DATE OF 1972 AMENDMENT**

Amendment by Pub. L. 92–318 effective after June 30, 1970, see section 506(n) of Pub. L. 92–318, set out as an Effective Date note under section 326a of this title.

#### **REVIEW OF LAND-GRANT TIME AND EFFORT REPORTING REQUIREMENTS**

Pub. L. 115–334, [title VII, §7613](#), Dec. 20, 2018, 132 Stat. 4832, provided that:

"(a) **IN GENERAL.**—The Secretary [of Agriculture], in consultation with the Office of Management and Budget, shall review and revise current reporting requirements related to compensation charges, documentation of personnel expenses, and other requirements that are commonly referred to as time and effort reporting for entities that receive funds under a program referred to in clause (iii), (iv), (vii), (viii), or (xii) of section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C)).

"(b) **REVISIONS.**—The Secretary shall ensure that any revision made pursuant to subsection (a)—

"(1) is developed in collaboration with entities described in subsection (a); and

"(2) reduces the amount of paperwork and time required by the requirements referred to in such subsection, as such requirements are in effect on the date of the enactment of this Act [Dec. 20, 2018]."

#### **§§343a to 343c–1. Repealed. June 26, 1953, ch. 157, §2, 67 Stat. 85, 86**

Section 343a, acts [May 22, 1928, ch. 687, §1](#), 45 Stat. 711; [Mar. 10, 1930, ch. 73](#), 46 Stat. 83, authorized additional annual appropriations of \$980,000, and \$500,000, further to develop cooperative agricultural extension work under sections 341 to 343, 344 to 346, and 347a to 349 of this title, provided for the disposition of such sums, and extended the system to Hawaii.

Section 343b, act [May 22, 1928, ch. 687, §2](#), 45 Stat. 712, provided that the sums appropriated under said section 343a should be in addition to sums appropriated under section 343 of this title, or sums otherwise annually appropriated for cooperative agricultural extension work.

Section 343c, acts [June 29, 1935, ch. 338, title II, §21](#), 49 Stat. 438; [June 6, 1945, ch. 175, §2](#), 59 Stat. 233, authorized further additional appropriations on an ascending scale until they amounted to \$12,000,000 annually, further to develop the cooperative agricultural system inaugurated under sections 341 to 343, 344 to 346, 347a to 349 of this title, and provided for their disposition.

Section 343c–1, acts [Apr. 24, 1939, ch. 85](#), 53 Stat. 589; [Sept. 21, 1944, ch. 412, title VII, §707](#), 58 Stat. 742, authorized additional appropriations of \$555,000 annually, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics, and provided for their disposition.

The provisions that were contained in all of the above repealed sections are covered generally by sections 341 to 343, 344 to 346, and 347a to 349 of this title.

#### **§343d. Transferred**

##### **EDITORIAL NOTES**

##### **CODIFICATION**

Section, act [June 29, 1935, ch. 338, title II, §22](#), 49 Stat. 439, as amended, which related to additional appropriations for agricultural colleges, was transferred to section 329 of this title.

#### **§§343d–1 to 343d–5. Repealed. June 26, 1953, ch. 157, §2, 67 Stat. 86**

Section 343d–1, act [June 29, 1935, ch. 338, title II, §23](#), as added [June 6, 1945, ch. 175, §1](#), 59 Stat. 231, authorized further additional appropriations, commencing with the fiscal year ended June 30, 1946 and continuing on an ascending scale until they amounted to \$12,500,000 for the fiscal year ended June 30, 1948 and each subsequent fiscal year, further to develop the cooperative agricultural

extension system inaugurated under sections 341 to 343, 344 to 346, and 347a to 349 of this title, and provided for their disposition.

Sections 343d–2 and 343d–3, act [Oct. 26, 1949, ch. 753, §§1, 2](#), 63 Stat. 926, extended the provisions of former section 343d–1 of this title to Puerto Rico and for such purposes, authorized additional appropriations on an ascending scale until they should amount to \$401,090 annually.

Sections 343d–4 and 343d–5, act [Oct. 27, 1949, ch. 768, §§1, 2](#), 63 Stat. 939, extended the provisions of former sections 343a, 343b, 343c and 343d–1 of this title to Alaska, and, for such purpose, authorized annual appropriations in amounts to be computed on the same basis as computations of appropriations to States, subject to annual estimates as to funds and amounts by the Secretary of Agriculture.

See, generally, sections 341 to 343, 344 to 346, and 347a to 349 of this title.

### **§343e. Repealed. [Oct. 27, 1949, ch. 768, §3](#), 63 Stat. 940**

Section, act [June 20, 1936, ch. 631, §§1, 3](#), 49 Stat. 1553, [1554](#), related to extension of benefits of former sections 343a and 343b of this title to Alaska. See notes thereunder.

### **§§343f, 343g. Repealed. [June 26, 1953, ch. 157, §2](#), 67 Stat. 86**

Sections, act [Aug. 28, 1937, ch. 878, §§1, 2](#), 50 Stat. 881, extended benefits of former section 343c of this title to Puerto Rico, and for such purpose, authorized appropriations, commencing with initial authorization of \$88,000 for the fiscal year beginning after August 28, 1937, and on an ascending scale thereafter, until they amounted to \$408,000 annually. See sections 341 to 343, 344 to 346, and 347a to 349 of this title.

## **§344. Ascertainment of entitlement of State to funds; time and manner of payment; State reporting requirements; plans of work**

### **(a) Ascertainment of entitlement**

On or about the first day of October in each year after June 26, 1953, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this subchapter and the amount which it is entitled to receive. Before the funds herein provided shall become available to any college for any fiscal year, plans for the work to be carried on under this subchapter shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. The Secretary shall ensure that each college seeking to receive funds under this subchapter has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds.

### **(b) Time and manner of payment; related reports**

The amount to which a State is entitled shall be paid in equal quarterly payments in or about July, October, January, and April of each year to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April 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 of Agriculture.

### **(c) Requirements related to plan of work**

Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

- (1) A summary of planned projects or programs in the State using formula funds.
- (2) A description of the manner in which the State will meet the requirements of section 343(h) of this title.
- (3) A description of the manner in which the State will meet the requirements of section 361c(i)(2) of this title.
- (4) A description of matching funds provided by the State with respect to the previous fiscal year.

### **(d) Extension protocols**

#### **(1) Development**

The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, 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 subsection (a).

#### **(2) Consultation**

The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title and land-grant colleges and universities.

### **(e) Treatment of plans of work for other purposes**

To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements.

(May 8, 1914, ch. 79, §4, 38 Stat. 374; June 26, 1953, ch. 157, §1, 67 Stat. 85; Pub. L. 87-749, §1(f), Oct. 5, 1962, 76 Stat. 745; Pub. L. 94-273, §15, Apr. 21, 1976, 90 Stat. 379; Pub. L. 101-624, title XVI, §1617, Nov. 28, 1990, 104 Stat. 3732; Pub. L. 105-185, title II, §202(a), June 23, 1998, 112 Stat. 531; Pub. L. 115-334, title VII, §7612(a)(2), Dec. 20, 2018, 132 Stat. 4831.)

#### EDITORIAL NOTES

#### AMENDMENTS

**2018**—Subsec. (c). Pub. L. 115-334 added pars. (1) to (4) and struck out former pars. (1) to (5) which read as follows:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address the issues.

"(2) 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.

"(3) 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 efforts) to work with those other institutions.

"(4) 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.

"(5) The education and outreach programs already underway to convey available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results."

**1998**—Pub. L. 105-185 inserted section catchline, designated existing provisions as subsecs. (a) and (b), inserted subsec. headings, in subsec. (b) substituted "The amount to which a State is entitled" for "Such sums", and added subsecs. (c) to (e).

**1990**—Pub. L. 101-624 inserted after second sentence "The Secretary shall ensure that each college seeking to receive funds under this subchapter has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds."

**1976**—Pub. L. 94-273 substituted "of October" for "of July" and "of April" for "of January".

**1962**—Pub. L. 87-749 substituted "quarterly payments in or about July, October, January, and April" for "semiannual payments on the first day of January and July", and struck out ", Territory or possession" wherever appearing.

**1953**—Act June 26, 1953, among other changes, inserted first two sentences, inserted references to "Territory, or possession" after references to "State," in sentence commencing "Such sums", and in such sentence, struck out reference to payment by the Secretary of the Treasury upon warrant of the Secretary of Agriculture, and substituted "January" for "September" with respect to submission of annual detailed statements.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title II, §202(c), June 23, 1998, 112 Stat. 533, provided that: "The amendments made by this section [amending this section and section 361g of this title] take effect on October 1, 1999."

### **§345. Replacement of diminished, lost or misapplied funds; restrictions on use; reports of colleges**

If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this subchapter, shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State and until so replaced no subsequent appropriation shall be apportioned or paid to said State. No portion of said 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 subchapter.

(May 8, 1914, ch. 79, §5, 38 Stat. 374; June 26, 1953, ch. 157, §1, 67 Stat. 85; Pub. L. 87-749, §1(g), Oct. 5, 1962, 76 Stat. 745; Pub. L. 110-234, title VII, §7403(b), May 22, 2008, 122 Stat. 1246; Pub. L. 110-246, §4(a), title VII, §7403(b), June 18, 2008, 122 Stat. 1664, 2007.)

## EDITORIAL NOTES

## 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, §7403(b), struck out at end "It shall be the duty of said colleges, 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 as defined in this subchapter, 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 of Agriculture."

**1962**—Pub. L. 87–749 struck out references to territories and possessions wherever appearing.

**1953**—Act June 26, 1953, among other changes, inserted "Territory, or possession" after "State," wherever latter term appeared, struck out provision that not more than five per centum of each annual appropriation should be applied to the printing and distribution of publications, and struck out the provision that copies of the required reports should be sent to the Secretary of the Treasury.

## STATUTORY NOTES AND RELATED SUBSIDIARIES

### 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.

### **§346. Repealed. Pub. L. 105–185, title I, §103(f)(1), June 23, 1998, 112 Stat. 528**

Section, acts May 8, 1914, ch. 79, §6, 38 Stat. 374; June 26, 1953, ch. 157, §1, 67 Stat. 85; Pub. L. 87–749, §1(g), Oct. 5, 1962, 76 Stat. 745, related to report of nonentitlement to President, retention of amount involved in Treasury, appeal from determination, and disposition of sum.

### **§347. Repealed. Pub. L. 86–533, §1(21), June 29, 1960, 74 Stat. 249**

Section, acts May 8, 1914, ch. 79, §7, 38 Stat. 374; June 26, 1953, ch. 157, §1, 67 Stat. 85, required Secretary of Agriculture to report to Congress receipts, expenditures, and results of cooperative agriculture extension work in all States, Territories, or possessions receiving benefits of sections 341 to 343, 344 to 346, and 347a to 349 of this title.

## **§347a. Disadvantaged agricultural areas**

### **(a) Congressional findings**

The Congress finds that there exists special circumstances in certain agricultural areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following: (1) There is concentration of farm families on farms either too small or too unproductive or both; (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations; (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor; (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.

### **(b) Appropriation**

In order to further the purposes of section 342 of this title in such areas and to encourage complementary development essential to the welfare of such areas, there are authorized to be appropriated such sums as the Congress from time to time shall determine to be necessary for payments to the States on the basis of special needs in such areas as determined by the Secretary of Agriculture.

### **(c) Assistance**

In determining that the area has such special need, the Secretary shall find that it has a substantial number of disadvantaged farms or farm families for one or more of the reasons heretofore enumerated. The Secretary shall make provisions for the assistance to be extended to include one or more of the following: (1) Intensive on-the-farm educational assistance to the farm family in appraising and resolving its problems; (2) assistance and counseling to local groups in appraising resources for capability of improvement in agriculture or introduction of industry designed to supplement farm income; (3) cooperation with other agencies and groups in furnishing all possible information as to existing employment opportunities, particularly to farm families having under-employed workers; and (4) in cases

where the farm family, after analysis of its opportunities and existing resources, finds it advisable to seek a new farming venture, the providing of information, advice, and counsel in connection with making such change.

**(d) Allocation of funds**

No more than 10 per centum of the sums available under this section shall be allotted to any one State. The Secretary shall use project proposals and plans of work submitted by the State Extension directors as a basis for determining the allocation of funds appropriated pursuant to this section.

**(e) Appropriation as additional; limitation on amount**

Sums appropriated pursuant to this section shall be in addition to, and not in substitution for, appropriations otherwise available under this subchapter. The amounts authorized to be appropriated pursuant to this section shall not exceed a sum in any year equal to 10 per centum of sums otherwise appropriated pursuant to this subchapter.

(May 8, 1914, ch. 79, §8, as added Aug. 11, 1955, ch. 798, §1(a), 69 Stat. 683; amended Pub. L. 87-749, §1(h), Oct. 5, 1962, 76 Stat. 745.)

**EDITORIAL NOTES**

**PRIOR PROVISIONS**

A prior section 8 of act May 8, 1914, was renumbered section 9 and is classified to section 348 of this title.

**AMENDMENTS**

**1962**—Subsec. (b). Pub. L. 87-749 struck out ", Alaska, Hawaii, and Puerto Rico" before "on the basis of".

**§348. Rules and regulations**

The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this subchapter.

(May 8, 1914, ch. 79, §9, formerly §8, 38 Stat. 374; June 26, 1953, ch. 157, §1, 67 Stat. 85; renumbered §9, Aug. 11, 1955, ch. 798, §1(b), 69 Stat. 684.)

**EDITORIAL NOTES**

**AMENDMENTS**

**1953**—Act June 26, 1953, substituted provisions for rules and regulations for provisions empowering Congress to alter, amend, or repeal sections 341 to 343 and 344 to 348 of this title at any time.

**§349. "State" defined**

The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.

(May 8, 1914, ch. 79, §10, as added Pub. L. 87-749, §1(i), Oct. 5, 1962, 76 Stat. 745; amended Pub. L. 92-318, title V, §506(h), June 23, 1972, 86 Stat. 351; Pub. L. 99-396, §9(f), Aug. 27, 1986, 100 Stat. 840.)

**EDITORIAL NOTES**

**AMENDMENTS**

**1986**—Pub. L. 99-396 amended section generally, expanding definition of "State" to include the Northern Mariana Islands.

**1972**—Pub. L. 92-318 inserted reference to Virgin Islands and Guam.

**STATUTORY NOTES AND RELATED SUBSIDIARIES**

**EFFECTIVE DATE OF 1972 AMENDMENT**

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as a note under section 326a of this title.