

lotted to the State under the provisions of sections 361a to 361i of this title and shall report, with the approval of the director, to the Secretary of Agriculture on or before the first day of December of each year a detailed statement of the amount received under provisions of said sections during the preceding fiscal year, and of its disbursement on schedules prescribed by the Secretary of Agriculture. If any portion of the allotted moneys received by the authorized receiving officer of any State agricultural experiment station shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to such State.

(Mar. 2, 1887, ch. 314, § 5, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 673; Pub. L. 94-273, § 9(2), Apr. 21, 1976, 90 Stat. 378; Pub. L. 105-185, title II, § 203(c)(3), June 23, 1998, 112 Stat. 535.)

CODIFICATION

Section was formerly classified to section 368a of this title. See sections 361c and 361d of this title.

AMENDMENTS

1998—Pub. L. 105-185, § 203(c)(3), substituted “Multi-state Research Fund, State Agricultural Experiment Stations” for “regional research fund authorized by section 361c(c)(3) of this title” in first sentence.

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

1955—Act Aug. 11, 1955, amended section generally to provide for quarterly payment of allotments, to require annual report of allotments and disbursements, and to provide for replacement of funds diminished, lost, or misapplied. For provisions which authorized appropriations for investigations and experiments, see sections 361c and 361d of this title.

§ 361f. Publications of experiment stations; free mailing

Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of the researches and experiments, including lists of publications available for distribution by the experiment stations, shall be transmitted in the mails of the United States. Such publications may be mailed from the principal place of business of the station or from an established subunit of said station.

(Mar. 2, 1887, ch. 314, § 6, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 673; Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773; Pub. L. 110-234, title VII, § 7404(b)(1), May 22, 2008, 122 Stat. 1247; Pub. L. 110-246, § 4(a), title VII, § 7404(b)(1), June 18, 2008, 122 Stat. 1664, 2008.)

CODIFICATION

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

Section was formerly classified to section 377 of this title. See section 361g of this title.

AMENDMENTS

2008—Pub. L. 110-246, § 7404(b)(1), in first sentence, struck out before period at end “under penalty indicia: *Provided, however,* That each publication shall bear such indicia as are prescribed by the United States Postal Service and shall be mailed under such regula-

tions as the United States Postal Service may from time to time prescribe”.

1955—Act Aug. 11, 1955, amended section generally to authorize free mailing of publications by the agricultural experiment stations. For provisions which related to the unexpended balance of annual appropriation, see section 361g of this title.

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.

TRANSFER OF FUNCTIONS

“United States Postal Service” substituted in text for “Postmaster General” pursuant to Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 361g. Duties of Secretary; ascertainment of entitlement of State to funds; plans of work

(a) Duties of Secretary

The Secretary of Agriculture is charged with the responsibility for the proper administration of sections 361a to 361i of this title, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of said sections, including participation in coordination of research initiated under said sections by the State agricultural experiment stations, from time to time to indicate such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several State agricultural experiment stations, and between the stations and the United States Department of Agriculture.

(b) Ascertainment of entitlement

On or before the first day of October in each year after the passage of sections 361a to 361i of this title, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriations for agricultural experiment stations under said sections and the amount which thereupon each is entitled, respectively, to receive.

(c) Carryover

(1) In general

The balance of any annual funds provided under sections 361a to 361i of this title to a State agricultural experiment station for a fiscal year that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

(2) Failure to expend full allotment

(A) In general

If any unexpended balance carried over by a State is not expended by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the State.

(B) Redistribution

Federal funds that are deducted under subparagraph (A) for a fiscal year shall be redistributed by the Secretary in accordance with the formula set forth in section 361c(c) of this title to those States for which no deduction under subparagraph (A) has been taken for that fiscal year.

(d) Plan of work required

Before funds may be provided to a State under sections 361a to 361i of this title for any fiscal year, a plan of work to be carried out under sections 361a to 361i of this title shall be submitted by the proper officials of the State and shall be approved by the Secretary of Agriculture.

(e) Requirements related to plan of work

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

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

(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

(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.

(f) Research protocols**(1) Development**

The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d) of this section.

(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.

(g) Treatment of plans of work for other purposes

To the maximum extent practicable, the Secretary shall consider a plan of work submitted

under subsection (d) of this section to satisfy other appropriate Federal reporting requirements.

(Mar. 2, 1887, ch. 314, §7, 24 Stat. 441; Aug. 11, 1955, ch. 790, §1, 69 Stat. 673; Pub. L. 86-533, §1(22), June 29, 1960, 74 Stat. 249; Pub. L. 94-273, §3(2), Apr. 21, 1976, 90 Stat. 376; Pub. L. 105-185, title I, §103(f)(2), title II, §202(b), June 23, 1998, 112 Stat. 528, 532; Pub. L. 107-171, title VII, §7202, May 13, 2002, 116 Stat. 437.)

CODIFICATION

Section was formerly classified to section 379 of this title. See section 361h of this title.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-171 added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Whenever it shall appear to the Secretary of Agriculture from the annual statement of receipts and expenditures of funds by any State agricultural experiment station that any portion of the preceding annual appropriation allotted to that station under sections 361a to 361i of this title remains unexpended, such amount shall be deducted from the next succeeding annual allotment to the State concerned.”

1998—Pub. L. 105-185, §202(b), inserted section catchline, designated existing provisions as subsecs. (a) to (c), inserted subsec. headings, and added subsecs. (d) to (g).

Pub. L. 105-185, §103(f)(2), struck out at end “If the Secretary of Agriculture shall withhold from any State any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.”

1976—Pub. L. 94-273 substituted “October” for “July” in second par.

1960—Pub. L. 86-533 repealed provisions which required the Secretary of Agriculture to make a report to the Congress of the receipts, expenditures and work of the agricultural experiment stations in all the States under the provisions of sections 361a to 361i of this title.

1955—Act Aug. 11, 1955, amended section generally to prescribe the powers and duties of the Secretary of Agriculture, to provide for the determination of the amount of entitlement, to authorize deduction of unexpended balances, and to require reports. For provisions which stated that the relation of the college to the State was unaffected, see section 361h of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 202(b) of Pub. L. 105-185 effective Oct. 1, 1999, see section 202(c) of Pub. L. 105-185, set out as a note under section 344 of this title.

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.

§ 361h. Relation of college or university to State unaffected; division of appropriations

Nothing in sections 361a to 361i of this title shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction State agricultural experiment stations have been established and the government of the States in which they are respectively located. States hav-