

EFFECTIVE DATE OF 1981 AMENDMENT

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

EFFECTIVE DATE

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

WEST VIRGINIA STATE COLLEGE, INSTITUTE,
WEST VIRGINIA

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1141, provided in part that West Virginia State College in Institute, West Virginia: "for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221)".

§ 3222. Agricultural research at 1890 land-grant colleges, including Tuskegee University**(a) Authorization of appropriations****(1) In general**

There are hereby authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural research at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee University (hereinafter referred to in this section as "eligible institutions").

(2) Minimum amount

Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 30 percent of the total appropriations for the fiscal year under section 361c of this title.

(3) Uses

Funds appropriated under this section shall be used for expenses of conducting agricultural research, printing, disseminating the results of such research, contributing to the retirement of employees subject to the provisions of section 331 of this title, administrative planning and direction, and purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting agricultural research.

(4) Coordination

The eligible institutions are authorized to plan and conduct agricultural research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems, and moneys appropriated pursuant to this section shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

(5) Carryover**(A) In general**

The balance of any annual funds provided to an eligible institution for a fiscal year under this section that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

(B) Failure to expend full amount**(i) In general**

If any unexpended balance carried over by an eligible institution is not expended

by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the eligible institution.

(ii) Redistribution

Federal funds that are deducted under clause (i) for a fiscal year shall be redistributed by the Secretary in accordance with the formula set forth in subsection (b)(2)(B) of this section to those eligible institutions for which no deduction under clause (i) has been taken for that fiscal year.

(b) Allocation and distribution of appropriated funds

Beginning with the fiscal year ending September 30, 1979, the funds appropriated in each fiscal year under this section shall be distributed as follows:

(1) Three per centum shall be available to the Secretary for administration of this section. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.

(2) The remainder shall be allotted among the eligible institutions as follows:

(A) Funds up to the total amount made available to all eligible institutions in the fiscal year ending September 30, 1978, under section 450i of this title, shall be allocated among the eligible institutions in the same proportion as funds made available under section 450i of this title, for the fiscal year ending September 30, 1978, are allocated among the eligible institutions.

(B) Of funds in excess of the amount allocated under subparagraph (A) of this paragraph, 20 per centum shall be allotted among eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated. In computing the distribution of funds allocated under this subparagraph, the allotments to Tuskegee University and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

(c) Program and plans of work**(1) Initial comprehensive program of agricultural research**

The director of the State agricultural experiment station in each State where an eligible institution is located and the research director specified in subsection (d) of this section in each of the eligible institutions in such State shall jointly develop, by mutual agreement, a comprehensive program of agricultural research in such State, to be submitted for approval by the Secretary within one year after September 29, 1977.

(2) Plan of work required

Before funds may be provided to an eligible institution under this section for any fiscal year, a plan of work to be carried out under this section shall be submitted by the research director specified in subsection (d) of this section and shall be approved by the Secretary.

(3) Requirements related to plan of work

Each plan of work required under paragraph (2) shall contain descriptions of the following:

(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address the issues.

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

(C) Other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State.

(D) The current and emerging efforts to work with those other institutions to build on each other's experience and take advantage of each institution's unique capacities.

(E) The manner in which research and extension activities, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

(4) Research protocols**(A) In general**

The Secretary shall develop protocols to be used to evaluate the success of multi-state, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2).

(B) Consultation

The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

(5) Treatment of plans of work for other purposes

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

mitted under paragraph (2) to satisfy other appropriate Federal reporting requirements.

(d) Payment of funds to eligible institutions

Sums available for allotment to the eligible institutions under the terms of this section shall be paid to such institutions in equal quarterly payments beginning on or about the first day of October of each year upon vouchers approved by the Secretary. The President of each eligible institution shall appoint a research director who shall be responsible for administration of the program authorized herein. Each eligible institution shall designate a treasurer or other officer who shall receive and account for all funds allotted to such institution under the provisions of this section and shall report, with the approval of the research director, to the Secretary on or before the first day of December of each year a detailed statement of the amount received under the provisions of this section during the preceding fiscal year and its disbursement on schedules prescribed by the Secretary. If any portion of the allotted moneys received by any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be allotted or paid to such institution. Funds made available to eligible institutions shall not be used for payment of negotiated overhead or indirect cost rates.

(e) Mailing of bulletins, reports, periodicals, reprints, articles, and other publications

Bulletins, reports, periodicals, reprints or articles, and other publications necessary for the dissemination of results of the research and experiments funded under this section, including lists of publications available for distribution by the eligible institutions, shall be transmitted in the mails of the United States. Such publications may be mailed from the principal place of business of each eligible institution or from an established subunit of such institution.

(f) Administration; rules and regulations; cooperation by and between institutions

The Secretary shall be responsible for the proper administration of this section, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of this section, including participation in coordination of research initiated under this section by the eligible institutions, from time to time to indicate such lines of inquiry as to the Secretary seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several eligible institutions, the State agricultural experiment stations, and between them and the Department of Agriculture.

(g) Entitlement

On or before the first day of October in each year after September 29, 1977, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriations under this section and the amount which thereupon each is entitled, respectively, to receive.

(h) Existing legal relationships not impaired or modified

Nothing in this section shall be construed to impair or modify the legal relationship existing between any of the eligible institutions and the government of the States in which they are respectively located.

(Pub. L. 95-113, title XIV, §1445, Sept. 29, 1977, 91 Stat. 1009; Pub. L. 95-547, Oct. 28, 1978, 92 Stat. 2063; Pub. L. 97-98, title XIV, §1432(a), Dec. 22, 1981, 95 Stat. 1311; Pub. L. 99-198, title XIV, §1417, Dec. 23, 1985, 99 Stat. 1550; Pub. L. 105-185, title I, §103(f)(3)(B), title II, §§225(b), 226(b), (c)(3), June 23, 1998, 112 Stat. 528, 541, 543; Pub. L. 105-362, title I, §101(e), Nov. 10, 1998, 112 Stat. 3281; Pub. L. 107-171, title VII, §§7203(b), 7204, May 13, 2002, 116 Stat. 438; Pub. L. 110-234, title VII, §§7122, 7404(b)(2)(A)(ii), May 22, 2008, 122 Stat. 1222, 1247; Pub. L. 110-246, §4(a), title VII, §§7122, 7404(b)(2)(A)(ii), June 18, 2008, 122 Stat. 1664, 1983, 2008.)

REFERENCES IN TEXT

Act of August 30, 1890, 26 Stat. 417, as amended, referred to in subsec. (a)(1), is popularly known as the "Agricultural College Act of 1890" and also as the "Second Morrill Act", and is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

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

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-246, §7122, substituted "30 percent" for "25 percent".

Subsec. (e). Pub. L. 110-246, §7404(b)(2)(A)(ii), struck out "under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe" after "United States".

2002—Subsec. (a). Pub. L. 107-171, §7203(b), inserted heading, designated existing provisions as pars. (1) to (5), inserted headings, and substituted in par. (2) "Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 25 percent of the total appropriations for the fiscal year under section 361c of this title." for "Beginning with the fiscal year ending September 30, 1979, there shall be appropriated under this section for each fiscal year an amount not less than 15 per centum of the total appropriations for such year under section 361c of this title: *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available in the fiscal year ending September 30, 1978, to such eligible institutions under the Act of August 4, 1965 (79 Stat. 431, 7 U.S.C. 450i)."

Subsec. (a)(5). Pub. L. 107-171, §7204, added par. (5) and struck out heading and text of former par. (5). Text read as follows: "No more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year."

1998—Pub. L. 105-185, §226(c)(3)(A), substituted "University" for "Institute" in section catchline.

Subsec. (a). Pub. L. 105-185, §226(c)(3)(B), substituted "Tuskegee University" for "Tuskegee Institute" in first sentence.

Subsec. (b)(2)(B). Pub. L. 105-185, §226(c)(3)(B), substituted "Tuskegee University" for "Tuskegee Institute".

Subsec. (c). Pub. L. 105-185, §225(b), inserted subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added pars. (2) to (5).

Subsec. (g). Pub. L. 105-362, §101(e)(1), struck out "(1)" before "On or before".

Subsec. (g)(2). Pub. L. 105-362, §101(e)(2), struck out par. (2) which read as follows: "The Secretary shall make an annual report to Congress during the first regular session of each year of the receipts and expenditures and work of the eligible institutions under the provisions of this section and also whether any portion of the appropriation available for allotment to any institution has been withheld and if so the reasons therefor."

Pub. L. 105-185, §226(b) redesignated par. (4) as (2) and struck out former par. (2) which read as follows: "If it appears to the Secretary from the annual statement of receipts and expenditures of funds by any eligible institution that an amount in excess of 5 percent of the preceding annual appropriation allotted to that institution under this section remains unexpended, such amount in excess of 5 percent of the preceding annual appropriation allotted to that institution shall be deducted from the next succeeding annual allotment to the institution."

Subsec. (g)(3). Pub. L. 105-185, §103(f)(3)(B), struck out par. (3) which read as follows: "If the Secretary withholds from any eligible institution any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus."

Subsec. (g)(4). Pub. L. 105-185, §226(b)(2), redesignated par. (4) as (2).

1985—Subsec. (a). Pub. L. 99-198, §1417(a), provided that not more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year.

Subsec. (g)(2). Pub. L. 99-198, §1417(b), in amending par. (2) generally, substituted "If it appears" for "Whenever it shall appear" before "to the Secretary" and "that an amount in excess of 5 percent" for "that any portion" before "of the preceding annual appropriation" and inserted "in excess of 5 percent of the preceding annual appropriation allotted to that institution" before "shall be deducted".

1981—Subsec. (b)(1). Pub. L. 97-98, §1432(a)(1), inserted provision authorizing use of administrative funds for transportation of scientists to research meetings convened for purpose of assessing research opportunities or research planning.

Subsec. (b)(2)(B). Pub. L. 97-98, §1432(a)(2), inserted "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" in two places.

Subsecs. (c), (d). Pub. L. 97-98, §1432(a)(3), substituted "research director" for "chief administrative officer" wherever appearing.

1978—Subsec. (b). Pub. L. 95-547 amended subsec. (b) generally, substituting in par. (A) provisions relating to allocation of funds among eligible institutions in same proportion as funds made available under section 450i of this title, for fiscal year ending Sept. 30, 1978, are allocated among eligible institutions for provisions relating to allocation of \$100,000 to each eligible institution, and substituting in par. (B) provisions relating to allocation among eligible institutions of 20 per centum of the excess funds in equal proportions, 40 per centum in proportion that the rural population of the State in which each eligible institution is located bears to total rural population of all States in which such institutions are located, and balance in proportion that farm population of State in which each eligible institution is located bears to total farm population of all States in which such institutions are located for provisions relating to allocation among eligible institutions of one-half of remaining funds in an amount which bore same ratio to total amount to be allocated as rural

population of State in which eligible institution was located bore to total rural population of all States in which such institutions were located, and one-half in an amount which bore same ratio to total amount to be allocated as farm population of State in which eligible institution was located bore to total farm population of all States in which such institutions were located.

EFFECTIVE DATE OF 2008 AMENDMENT

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

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 225(b) of Pub. L. 105-185 effective Oct. 1, 1999, see section 225(c) of Pub. L. 105-185, set out as a note under section 3221 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

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

WEST VIRGINIA STATE COLLEGE, INSTITUTE,
WEST VIRGINIA

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140, provided in part that West Virginia State College in Institute, West Virginia: "for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222)".

GRANT FOR DAIRY GOAT RESEARCH PROGRAM

Pub. L. 97-98, title XIV, §1432(b), Dec. 22, 1981, 95 Stat. 1311, as amended by Pub. L. 99-198, title XIV, §1432, Dec. 23, 1985, 99 Stat. 1557; Pub. L. 101-624, title XVI, §1601(c), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §887, Apr. 4, 1996, 110 Stat. 1180, authorized grant for dairy goat research, described uses for grant and times of payment, and authorized appropriations for fiscal years 1991 through 1997, prior to repeal by Pub. L. 105-185, title III, §302(b), June 23, 1998, 112 Stat. 563.

§ 3222a. Repealed. Pub. L. 104-127, title VIII, § 855, Apr. 4, 1996, 110 Stat. 1172

Section, Pub. L. 95-113, title XIV, §1446, as added Pub. L. 101-624, title XVI, §1612(a), Nov. 28, 1990, 104 Stat. 3721; amended Pub. L. 102-237, title IV, §402(9), (10), Dec. 13, 1991, 105 Stat. 1863, related to resident instruction at 1890 land-grant colleges, including Tuskegee University.

§ 3222b. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University

(a) Purpose

It is hereby declared to be the intent of Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 [7 U.S.C. 321 et seq.], including Tuskegee University (hereafter referred to in this section as "eligible institutions") in the acquisition and improvement of agricultural and food sciences facilities and equipment, including libraries, so that the eligible institutions may participate fully in the production of human capital.

(b) Authorization of appropriations

There are authorized to be appropriated to the Secretary of Agriculture for the purposes of carrying out the provisions of this section, \$25,000,000 for each of fiscal years 2002 through 2012, and such sums shall remain available until expended.

(c) Use of grant funds

Four percent of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to eligible institutions for the purpose of assisting them in the purchase of equipment and land, the planning, construction, alteration, or renovation of buildings to strengthen their capacity in the production of human capital in the food and agricultural sciences and can be used at the discretion of the eligible institutions in the areas of research, extension, and resident instruction or any combination thereof.

(d) Method of awarding grants

Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

(e) Prohibition of certain uses

Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

(f) Regulations

The Secretary may promulgate such rules and regulations as the Secretary may consider necessary to carry out the provisions of this section.

(Pub. L. 95-113, title XIV, §1447, as added Pub. L. 101-624, title XVI, §1612(b), Nov. 28, 1990, 104 Stat. 3722; amended Pub. L. 104-127, title VIII, §813, Apr. 4, 1996, 110 Stat. 1166; Pub. L. 105-185, title III, §301(a)(9), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7109, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §7123, May 22, 2008, 122 Stat. 1222; Pub. L. 110-246, §4(a), title VII, §7123, June 18, 2008, 122 Stat. 1664, 1983.)

REFERENCES IN TEXT

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

CODIFICATION

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

PRIOR PROVISIONS

A prior section 1447 of Pub. L. 95-113, title XIV, Sept. 29, 1977, 91 Stat. 1011, amended sections 341 and 342 of this title, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, §7123, substituted "2012" for "2007".

2002—Subsec. (b). Pub. L. 107-171 substituted "\$25,000,000 for each of fiscal years 2002 through 2007" for "\$15,000,000 for each of fiscal years 1996 through 2002".

1998—Subsec. (b). Pub. L. 105-185 substituted "through 2002" for "and 1997".

1996—Subsec. (b). Pub. L. 104-127 substituted "\$15,000,000 for each of fiscal years 1996 and 1997" for