

under subsection (f) of this section for a fiscal year shall be paid (upon vouchers approved by the Secretary) to a center receiving the grant in equal quarterly installments beginning on or about the first day of October of such year.

(2) Not later than 60 days after the end of each fiscal year for which funds are paid under this section to a center, the research director of such center shall submit to the Secretary a detailed statement of the disbursements in such fiscal year of funds received by such center under this section.

(3) If any of the funds received by a center under this section are misapplied, lost, or diminished by any action or contingency on the part of the center—

- (A) the center shall replace such funds; and
- (B) the Secretary shall not distribute to such center any other funds under this subsection until such funds are replaced.

**(e) Prohibited uses of funds**

Funds provided under this section may not be used—

- (1) to acquire or construct a building; or
- (2) to pay the overhead costs of the college (or consortia of colleges) receiving the grant.

**(f) Authorization of appropriations**

There are authorized to be appropriated \$2,000,000 for each of the fiscal years 1991 through 2012 for grants under this section.

**(g) “Center” defined**

For purposes of this section, the term “center” means a national research and training virtual center that receives a grant under this subsection.

**(h) Coordination of center activities**

(1) The center designated under subsection (a)(2)(C) of this section shall coordinate its activities with the water quality research activities conducted under subtitle G of title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990.<sup>1</sup>

(2) The center designated under subsection (a)(2)(D) of this section shall coordinate its activities with the sustainable agriculture research and education program established under subtitle B of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 [7 U.S.C. 5801 et seq.].

(Pub. L. 95–113, title XIV, § 1448, as added Pub. L. 101–624, title XVI, § 1612(c), Nov. 28, 1990, 104 Stat. 3723; amended Pub. L. 104–127, title VIII, § 814, Apr. 4, 1996, 110 Stat. 1166; Pub. L. 105–185, title III, § 301(a)(10), June 23, 1998, 112 Stat. 562; Pub. L. 107–171, title VII, § 7110, May 13, 2002, 116 Stat. 433; Pub. L. 110–234, title VII, § 7126, May 22, 2008, 122 Stat. 1223; Pub. L. 110–246, § 4(a), title VII, § 7126, June 18, 2008, 122 Stat. 1664, 1984.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (a), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the “Agricultural College Act of 1890” and also as the “Second Morrill Act”, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of this title. For complete classification of this Act to the

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

Code, see Short Title note set out under section 321 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (h), is Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XIV of the Act, popularly known as the “Agriculture and Water Policy Coordination Act”, was classified generally to chapter 86 (§ 5501 et seq.) of this title, prior to repeal by Pub. L. 105–185, title III, § 302(c), June 23, 1998, 112 Stat. 563. Subtitle B of title XVI of the Act enacted subchapter I (§ 5801 et seq.) of chapter 88 of this title and repealed chapter 78 (§ 4701 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

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

PRIOR PROVISIONS

A prior section 1448 of Pub. L. 95–113, title XIV, Sept. 29, 1977, 91 Stat. 1011, amended sections 1923 and 1942 of this title, prior to repeal by Pub. L. 101–624, title XVI, § 1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

AMENDMENTS

2008—Subsecs. (a)(1), (f). Pub. L. 110–246, § 7126, substituted “2012” for “2007”.

2002—Pub. L. 107–171, § 7110(b)(1), substituted “virtual” for “centennial” in section catchline.

Subsec. (a). Pub. L. 107–171, § 7110(b)(2), substituted “virtual centers” for “centennial centers” in introductory provisions.

Subsec. (a)(1). Pub. L. 107–171, § 7110(a), (b)(2), substituted “2007” for “2002” and “virtual centers” for “centennial centers”.

Subsec. (f). Pub. L. 107–171, § 7110(a), substituted “2007” for “2002”.

Subsec. (g). Pub. L. 107–171, § 7110(b)(2), substituted “virtual” for “centennial”.

1998—Subsec. (a)(1). Pub. L. 105–185, § 301(a)(10)(A), substituted “through 2002” for “and 1997”.

Subsec. (f). Pub. L. 105–185, § 301(a)(10)(B), substituted “2002” for “1997”.

1996—Subsec. (a)(1). Pub. L. 104–127, § 814(1), inserted “, or fiscal years 1996 and 1997,” after “1995”.

Subsec. (f). Pub. L. 104–127, § 814(2), substituted “1997” for “1995”.

EFFECTIVE DATE OF 2008 AMENDMENT

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

**§ 3222d. Matching funds requirement for research and extension activities at eligible institutions**

**(a) Definitions**

In this section:

**(1) Eligible institution**

The term “eligible institution” means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the “Second Morrill Act”), including Tuskegee University.

**(2) Formula funds**

The term “formula funds” means the formula allocation funds distributed to eligible institutions under sections 3221 and 3222 of this title.

**(b) Determination of non-Federal sources of funds**

Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999—

(1) the sources of non-Federal funds made available by the State to the eligible institution for agricultural research, extension, and education to meet the requirements of this section; and

(2) the amount of such funds generally available from each source.

**(c) Matching formula**

Notwithstanding any other provision of this subchapter, the State shall provide equal matching funds from non-Federal sources.

**(d) Waiver authority**

Notwithstanding subsection (f) of this section, the Secretary may waive the matching funds requirement under subsection (c) of this section above the 50 percent level for any fiscal year for an eligible institution of a State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.

**(e) Use of matching funds**

Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) of this section may be used by an eligible institution for agricultural research, extension, and education activities.

**(f) Redistribution of funds**

**(1) Redistribution required**

Federal funds that are not matched by a State in accordance with subsection (c) of this section for a fiscal year shall be redistributed by the Secretary to eligible institutions whose States have satisfied the matching funds requirement for that fiscal year.

**(2) Administration**

Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) of this section and shall be made in a manner consistent with sections 3221 and 3222 of this title, as determined by the Secretary.

(Pub. L. 95-113, title XIV, § 1449, as added Pub. L. 105-185, title II, § 226(a), June 23, 1998, 112 Stat. 542; amended Pub. L. 107-171, title VII, § 7212, May 13, 2002, 116 Stat. 447; Pub. L. 110-234, title VII, § 7127, May 22, 2008, 122 Stat. 1223; Pub. L. 110-246, § 4(a), title VII, § 7127, June 18, 2008, 122 Stat. 1664, 1984.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (a)(1), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

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

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, § 7127, substituted “the State shall provide equal matching funds” for “for each of fiscal years 2003 through 2007, the State shall provide matching funds” and struck out at end “Such matching funds shall be for an amount equal to not less than—

“(1) 60 percent of the formula funds to be distributed to the eligible institution for fiscal year 2003;

“(2) 70 percent of the formula funds to be distributed to the eligible institution for fiscal year 2004;

“(3) 80 percent of the formula funds to be distributed to the eligible institution for fiscal year 2005;

“(4) 90 percent of the formula funds to be distributed to the eligible institution for fiscal year 2006; and

“(5) 100 percent of the formula funds to be distributed to the eligible institution for fiscal year 2007 and each fiscal year thereafter.”

2002—Subsec. (c). Pub. L. 107-171, § 7212(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Notwithstanding any other provision of this subchapter, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

“(1) For fiscal year 2000, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

“(2) For fiscal year 2001, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

“(3) For fiscal year 2002 and each fiscal year thereafter, the State shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.”

Subsec. (d). Pub. L. 107-171, § 7212(2), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows:

“(1) FISCAL YEAR 2000.—Notwithstanding subsection (f) of this section, the Secretary may waive the matching funds requirement under subsection (c)(1) of this section for fiscal year 2000 for an eligible institution of a State if the Secretary determines that, based on the report received under subsection (b) of this section, the State will be unlikely to satisfy the matching requirement.

“(2) FUTURE FISCAL YEARS.—The Secretary may not waive the matching requirement under subsection (c) of this section for any fiscal year other than fiscal year 2000.”

EFFECTIVE DATE OF 2008 AMENDMENT

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

**§ 3223. Grants for acquisition and improvement of research facilities and equipment**

**(a) Eligible institutions; statement of purposes**

It is hereby declared to be the intent of Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee Institute (hereinafter referred to in this section as “eligible institutions”), in the acquisition and improvement of research facilities and equipment, including agricultural libraries, so that eligible institutions may participate fully with the State agricultural experiment stations in a bal-