

**(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-

anced attack on the research needs of the people of their States.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this section \$10,000,000 for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987, such sums to remain available until expended.

**(c) Allocation of funds**

Four per centum of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

**(d) Amount, terms, and conditions**

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

**(e) Restrictions**

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

**(f) Rules and regulations**

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

(Pub. L. 97-98, title XIV, §1433, Dec. 22, 1981, 95 Stat. 1312; Pub. L. 99-198, title XIV, §1433, Dec. 23, 1985, 99 Stat. 1557.)

REFERENCES IN TEXT

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

CODIFICATION

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the National Agricultural Research Extension and Teaching Policy Act of 1977 which comprises this chapter.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-198, §1432(a), inserted “, including agricultural libraries,” after “equipment”.  
Subsec. (b). Pub. L. 99-198, §1432(b), authorized appropriations for fiscal year ending Sept. 30, 1987.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

**§ 3224. Repealed. Pub. L. 104-127, title VIII, § 873, Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title VI, § 606(g), June 23, 1998, 112 Stat. 604**

Section, Pub. L. 99-198, title XIV, §1416, Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(d)(1), Nov. 28, 1990, 104 Stat. 3704, provided for grants to upgrade 1890 land-grant college extension facilities.

CODIFICATION

Pub. L. 105-185, title VI, §606(g), June 23, 1998, 112 Stat. 604, provided that the technical amendment made by section 606(g) to section 873 of Pub. L. 104-127, which repealed this section, is effective Apr. 6, 1996.

SUBCHAPTER VII—PROGRAMS FOR HISPANIC, ALASKA NATIVE, AND NATIVE HAWAIIAN SERVING INSTITUTIONS

PRIOR PROVISIONS

A prior subchapter VII, consisting of parts A (§3241), B (§§3251, 3252), C (§§3261 to 3263), D (§3271), and E (§§3281, 3282), related to solar energy research and development, prior to repeal by Pub. L. 101-624, title XVI, §1601(f)(1)(D), Nov. 28, 1990, 104 Stat. 3704.

Section 3241, Pub. L. 95-113, title XIV, §1449, Sept. 29, 1977, 91 Stat. 1012, related to farm and forest uses of solar energy and nonrenewable fuel and petrochemical substitutes.

Section 3251, Pub. L. 95-113, title XIV, §1450, Sept. 20, 1977, 91 Stat. 1012, provided for a solar energy research information system.

Section 3252, Pub. L. 95-113, title XIV, §1451, Sept. 29, 1977, 91 Stat. 1013, provided for assistance from an advisory committee respecting functions of Secretary on model farms and demonstration projects.

Section 3261, Pub. L. 95-113, title XIV, §1452, Sept. 29, 1977, 91 Stat. 1013, provided for model farms.

Section 3262, Pub. L. 95-113, title XIV, §1453, Sept. 29, 1977, 91 Stat. 1014, provided for demonstration projects.

Section 3263, Pub. L. 95-113, title XIV, §1454, Sept. 29, 1977, 91 Stat. 1015; Pub. L. 97-98, title XIV, §1434, Dec. 22, 1981, 95 Stat. 1312, authorized appropriation of funds.

Section 3271, Pub. L. 95-113, title XIV, §1455, Sept. 29, 1977, 91 Stat. 1015, provided for establishment of regional solar energy research, development, and demonstration centers.

Section 3281, Pub. L. 95-113, title XIV, §1456, Sept. 29, 1977, 91 Stat. 1015, authorized appropriation of funds.

Section 3282, Pub. L. 95-113, title XIV, §1457, Sept. 29, 1977, 91 Stat. 1015; Pub. L. 97-98, title XIV, §1435, Dec. 22, 1981, 95 Stat. 1313, defined “solar energy”.

**§ 3241. Education grants programs for Hispanic-serving institutions**

**(a) Grant authority**

The Secretary may make competitive grants to Hispanic-serving institutions for the purpose of promoting and strengthening the ability of Hispanic-serving institutions to carry out education, applied research, and related community development programs.

**(b) Use of grant funds**

Grants made under this section shall be used—

(1) to support the activities of Hispanic-serving institutions to enhance educational equity for underrepresented students;

(2) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agricultural sciences;