

§ 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.)

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”.

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 appro-

riated 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.)

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.

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 this subchapter and subchapter I of this title, 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 this subchapter and subchapter I of this title, and shall be applied only for the purposes of the colleges defined in such subchapters. The provisions of law applicable to the use and payment of sums under this subchapter 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.)

REFERENCES IN TEXT

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.

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.

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