

SUBCHAPTER VI—1890 LAND-GRANT
COLLEGE FUNDING

§ 3221. Extension 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 and forestry extension 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 in this section referred to 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 20 percent of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341 et seq.), and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.), except that for the purpose of this calculation, the total appropriations shall not include amounts made available under section 3(d) of that Act (7 U.S.C. 343(d)).

(3) Uses

Funds appropriated under this section shall be used for expenses of conducting extension programs and activities, and for contributing to the retirement of employees subject to the provisions of section 331 of this title.

(b) Distribution of funds

(1) In general

Funds made available under this section shall be distributed among eligible institutions in accordance with this subsection.

(2) Base amount

Any funds annually appropriated under this section up to the amount appropriated for the fiscal year ending September 30, 1978, pursuant to section 343(d) of this title, for eligible institutions, shall be allocated among the eligible institutions in the same proportion as funds appropriated under section 343(d) of this title for the fiscal year ending September 30, 1978, were allocated among the eligible institutions, as so designated as of that date.

(3) Additional amount

Any funds appropriated annually under this section in excess of an amount equal to the amount appropriated under section 343(d) of this title, for the fiscal year ending September 30, 1978, for eligible institutions, shall be distributed as follows:

(A) A sum equal to 4 per centum of the total amount appropriated each fiscal year under this section shall be allotted to the National Institute of Food and Agriculture of the Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the

Department of Agriculture and the several States.

(B) Except as provided in paragraph (4), of the remainder, 20 per centum shall be allotted among the 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.

(C) In computing the distribution of funds allocated under this paragraph, the allotments to Tuskegee University and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

(4) Special amounts

(A) Definitions

In this paragraph:

(i) Covered fiscal year

The term “covered fiscal year” means the fiscal year for which the qualified eligible institution first received an allocation of \$3,000,000 under subparagraph (B)(i).

(ii) Other eligible institution

The term “other eligible institution” means an eligible institution, other than the qualified eligible institution, receiving an allocation of funds under this section.

(iii) Qualified eligible institution

The term “qualified eligible institution” means the eligible institution described in subparagraph (B)(i).

(B) Fiscal year 2019, 2020, 2021, or 2022

(i) In general

Subject to clause (ii), for 1 of fiscal year 2019, 2020, 2021, or 2022, if the calculation under paragraph (3)(B) would result in a distribution for a fiscal year of less than \$3,000,000 to an eligible institution that first received funds under this section on a date occurring after February 7, 2014, and before September 30, 2018, that institution shall receive an allocation of \$3,000,000 for that fiscal year.

(ii) Limitation

Clause (i) shall apply only if amounts are appropriated under this section in an amount sufficient to provide that each other eligible institution receiving an allocation of funds under this section for fiscal year 2019, 2020, 2021, or 2022, as applicable,

receives not less than the amount of funds received by that other eligible institution under this section for the preceding fiscal year.

(C) Subsequent fiscal years

(i) Minimum additional funding amounts

Subject to clauses (ii) and (iii), for each fiscal year following the covered fiscal year—

(I) the qualified eligible institution shall receive an allocation under this subsection of at least \$3,000,000; and

(II) each other eligible institution shall receive an allocation under this subsection of at least the amount received by such other eligible institution under this subsection for the covered fiscal year.

(ii) Shortfall of special amounts

(I) Applicability

This clause shall apply to any fiscal year following the covered fiscal year and for which the total amount appropriated under this section is insufficient to provide for the minimum additional funding amounts described in clause (i).

(II) Reductions in allocations

In the case of a fiscal year to which this clause applies, reductions in allocations shall be made proportionally from the qualified eligible institution and from each other eligible institution based on the increased amounts (if any) that the qualified eligible institution and each other eligible institution were allocated for the covered fiscal year as compared to the fiscal year immediately preceding the covered fiscal year.

(iii) Effect of census

Clauses (i) and (ii) shall not apply in any fiscal year for which a shortfall in the minimum additional funding amounts described in clause (i) is attributable to the incorporation of new census data into the calculation under paragraph (3), as determined by the Secretary.

(c) Comprehensive program of extension for each State

The State director of the cooperative extension service and the extension administrator at the eligible institution in each State where an eligible institution is located shall jointly develop, by mutual agreement, a comprehensive program of extension for such State to be submitted for approval by the Secretary within one year after September 29, 1977 and each five years thereafter.

(d) Ascertainment of entitlement to funds; time and manner of payment; State reporting requirements; plans of work

(1) Ascertainment of entitlement

On or about 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 appropriation for extension work under

this section and the amount which it is entitled to receive. Before the funds herein provided shall become available to any eligible institution for any fiscal year, plans for the work to be carried out under this section shall be submitted, as part of the State plan of work, and approved by the Secretary.

(2) Time and manner of payment; related reports

The amount to which an eligible institution is entitled shall be paid in equal quarterly payments on or about October 1, January 1, April 1, and July 1 of each year to the treasurer or other officer of the eligible institution duly authorized to receive such payments and such officer shall be required to report to the Secretary on or about the first day of December of each year a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary.

(3) Requirements related to plan of work

Each plan of work for an eligible institution required under this section shall contain descriptions of the following:

(A) A summary of planned projects or programs in the State using formula funds.

(B) A description of matching funds provided by the State with respect to the previous fiscal year.

(4) Extension protocols

(A) In general

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

(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 submitted under this section to satisfy other appropriate Federal reporting requirements.

(e) Diminution, loss, or misapplication of funds

If any portion of the moneys received by any eligible institution for the support and maintenance of extension work as provided in this section shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be apportioned or paid to such institution. No portion of such moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college course teaching, lectures in college, or any other purpose not specified in this section. It shall be the duty of such institution, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full

and detailed report of its operations in extension work, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary.

(f) Mailing of correspondence, bulletins, and reports

To the extent that the official mail consists of correspondence, bulletins, and reports for furtherance of the purposes of this section, it shall be transmitted in the mails of the United States. Such items may be mailed from a principal place of business of each eligible institution or from an established subunit of such institution.

(Pub. L. 95-113, title XIV, §1444, Sept. 29, 1977, 91 Stat. 1007; Pub. L. 97-98, title XIV, §1431, Dec. 22, 1981, 95 Stat. 1310; Pub. L. 99-198, title XIV, §1415, Dec. 23, 1985, 99 Stat. 1549; Pub. L. 104-127, title VIII, §883(b), Apr. 4, 1996, 110 Stat. 1176; Pub. L. 105-185, title I, §103(f)(3)(A), title II, §§225(a), 226(c)(2), June 23, 1998, 112 Stat. 528, 540, 543; Pub. L. 107-171, title VII, §7203(a), May 13, 2002, 116 Stat. 438; Pub. L. 110-234, title VII, §§7121, 7403(c), 7404(b)(2)(A)(i), 7511(c)(12), May 22, 2008, 122 Stat. 1222, 1246, 1247, 1268; Pub. L. 110-246, §4(a), title VII, §§7121, 7403(c), 7404(b)(2)(A)(i), 7511(c)(12), June 18, 2008, 122 Stat. 1664, 1983, 2008, 2029; Pub. L. 115-334, title VII, §§7114, 7115(a), 7612(c)(1), Dec. 20, 2018, 132 Stat. 4785, 4832.)

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.

Act of May 8, 1914, 38 Stat. 372, as amended, referred to in subsec. (a)(2), is popularly known as the "Smith-Lever Act", and is classified generally to subchapter IV (§341 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 341 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

2018—Subsec. (a)(4). Pub. L. 115-334, §7114, struck out par. (4). Text read as follows: "No more than 20 per centum of the funds received by an institution in any fiscal year may be carried forward to the succeeding fiscal year."

Subsec. (b). Pub. L. 115-334, §7115(a)(4), inserted heading and struck out introductory provisions which read as follows: "Beginning with the fiscal year ending September 30, 1979—"

Subsec. (b)(1). Pub. L. 115-334, §7115(a)(4), added par. (1). Former par. (1) redesignated (2).

Pub. L. 115-334, §7115(a)(3), substituted "were allocated" for "are allocated" and " , as so designated as of that date." for " ; and".

Subsec. (b)(2). Pub. L. 115-334, §7115(a)(4), redesignated par. (1) as (2), inserted heading, and substituted "Any funds" for "any funds". Former par. (2) redesignated (3).

Subsec. (b)(2)(B). Pub. L. 115-334, §7115(a)(2)(A), substituted "Except as provided in paragraph (4), of the remainder" for "Of the remainder".

Subsec. (b)(2)(C). Pub. L. 115-334, §7115(a)(1), redesignated concluding provisions of subsec. (b) as subpar. (C) of par. (2) and substituted "this paragraph" for "paragraph (2) of this subsection".

Subsec. (b)(3). Pub. L. 115-334, §7115(a)(2)(B), redesignated par. (2) as (3), inserted heading, and substituted "Any funds" for "any funds" in introductory provisions.

Subsec. (b)(4). Pub. L. 115-334, §7115(a)(5), added par. (4).

Subsec. (d)(3). Pub. L. 115-334, §7612(c)(1), added subpars. (A) and (B) and struck out former subpars. (A) to (E) which read as follows:

"(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 extension programs and projects targeted to address the issues.

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

"(C) 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 extension efforts) to work with those other institutions.

"(D) 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.

"(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multicounty cooperation in the dissemination of research results."

2008—Subsec. (a)(2). Pub. L. 110-246, §§7121, 7403(c), substituted "20 percent" for "15 percent" and "under section 3(d) of that Act (7 U.S.C. 343(d))" for "after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of that Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary".

Subsec. (b)(2)(A). Pub. L. 110-246, §7511(c)(12), substituted "National Institute of Food and Agriculture" for "Extension Service".

Subsec. (f). Pub. L. 110-246, §7404(b)(2)(A)(i), struck out "under penalty indicia: *Provided*, That each item 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 inserted subsec. heading, designated first, third, fourth, and fifth sentences as pars. (1) to (4), respectively, inserted headings, struck out "Beginning with the fiscal year ending September 30, 1979, and ending with the fiscal year ending September 30, 1981, there shall be appropriated under this section for each fiscal year an amount not less than 4 per centum of the total appropriations for such year under the Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349): *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available for the fiscal year ending September 30, 1978, to such eligible institutions under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C.

343(d)." after "(hereinafter in this section referred to as 'eligible institutions')." in par. (1), and substituted "Beginning with fiscal year 2003, there shall be appropriated under this section for each fiscal year an amount that is not less than 15 percent" for "Beginning with the fiscal year ending September 30, 1982, there shall be appropriated under this section an amount not less than 5½ per centum, and for each fiscal year thereafter an amount not less than 6 per centum" in par. (2).

1998—Pub. L. 105-185, §226(c)(2)(A), substituted "University" for "Institute" in section catchline.

Subsecs. (a), (b). Pub. L. 105-185, §226(c)(2)(B), substituted "Tuskegee University" for "Tuskegee Institute" in first sentence of subsec. (a) and concluding provisions of subsec. (b).

Subsec. (d). Pub. L. 105-185, §225(a), inserted subsec. heading, designated existing provisions as pars. (1) and (2) and inserted par. headings, in par. (2) substituted "The amount to which an eligible institution is entitled" for "Such sums", and added pars. (3) to (5).

Subsecs. (f), (g). Pub. L. 105-185, §103(f)(3)(A), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: "If the Secretary finds that an eligible institution is not entitled to receive its share of the annual 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 expiration of the next Congress in order that the institution may, if it should so desire, appeal to Congress from the determination of the Secretary. If the next Congress does not direct such sum to be paid, it shall be carried to surplus."

1996—Subsec. (a). Pub. L. 104-127 inserted before period at end of third sentence ", except that for the purpose of this calculation, the total appropriations shall not include amounts made available after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs or initiatives funded under section 3(d) of that Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary".

1985—Subsec. (a). Pub. L. 99-198 in third sentence, struck out ", through the fiscal year ending September 30, 1985," after "fiscal year thereafter" and inserted at end ", and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.)".

1981—Subsec. (a). Pub. L. 97-98, §1431(1), (2), inserted provisions designating the fiscal year ending Sept. 30, 1981, as the last of the fiscal years for which the appropriation under this section had to be 4 per centum or more of the total appropriation for each year under the Act of May 8, 1914, and inserted provisions that, beginning with the fiscal year ending Sept. 30, 1982, there must be appropriated under this section an amount not less than 5½ per centum and for each fiscal year thereafter, through the fiscal year ending Sept. 30, 1985, an amount not less than 6 per centum of the total appropriations for such year under the Act of May 8, 1914.

Subsec. (b)(2)(B). Pub. L., 97-98, §1431(3), inserted "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" in two places.

Subsec. (c). Pub. L. 97-98, §1431(4), substituted "extension administrator" for "administrative head for extension" and inserted provision for the submission of a comprehensive program of extension for approval by the Secretary each five years after Sept. 29, 1977.

Subsec. (d). Pub. L. 97-98, §1431(5), substituted "submitted, as part of the State plan of work," for "submitted by the proper officials of each institution".

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, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(12) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title II, §225(c), June 23, 1998, 112 Stat. 542, provided that: "The amendments made by this section [amending this section and section 3222 of this title] take effect on October 1, 1999."

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

Section 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 nec-