



FEDERAL ENABLING LEGISLATION

The land-grant college system as we know it today is the result of several pieces of legislation, including the following. (Reference is made to titles of acts setting up the land-grant college system. Details of these acts can be found in any library.)

First Morrill Act (1862)

An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts.

Amendment to the First Morrill Act (1866)

An act to extend the time within which the provisions of said act shall be accepted and such colleges established.

Hatch Act (1887)

Provided for establishing experiment stations at the land-grant colleges to add to scientific knowledge of agriculture. The resulting accumulation of knowledge through this act—along with the observation that knowledge was not being “disseminated” and used—led to the need for creating the Extension Service.

Second Morrill Act (1890)

An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the Black colleges for the benefit of agriculture and mechanic arts established under the provisions of an act of Congress approved July 1862.

Nelson Amendment to Morrill Act (1907)

An act making appropriations for the United States Department of Agriculture for the fiscal year ended June 30, 1908.

Smith-Lever Act (May 8, 1914)

Provided for Cooperative Extension work between the U.S. Department of Agriculture and the agricultural colleges benefitting from the Morrill Act of 1862. See text of Smith-Lever Act, as amended.

Capper-Ketchum Act (May 22, 1928)

An act to further develop the Cooperative Extension system as inaugurated under the Smith-Lever Act.

Additional Federal Cooperative Fund (July 1, 1930)

An act providing for additional Cooperative Agricultural Extension work including the employment of specialists in economics and marketing.



Bankhead-Jones Act (June 29, 1935)

An act to provide for research into basic laws and principles relating to agriculture and to provide for further development of Cooperative Agricultural Extension work and more complete endowment and support of land-grant colleges.

Clarke-McNary (Cooperative Farm Forestry) (1924 amended 1949)

The Secretary of Agriculture is hereby authorized and directed in cooperation with appropriate officials of the various states in his discretion with other suitable agencies to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth and in growing, harvesting, utilizing, and marketing useful timber crops.

Bankhead-Flannigan (Passed as an added section of Bankhead-Jones Act)

An act providing additional funds for Cooperative Extension work in agriculture and home economics including technical and educational assistance to farm people in improving their standards of living, in developing individual farm and home plans, better marketing and distribution of farm products, work with rural youth and 4-H club work and older out-of-school youth, guidance of farm people in improving farm and home buildings, development of effective programs in canning, food preservation, nutrition, and for the necessary printing and distribution of information in connection with the foregoing.

Agricultural Marketing Act of 1946

Provided for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products.

Rural Development Act of 1972

Fostered a balanced national development that provides opportunities for increased numbers of the people of the United States to work and enjoy a high quality of life dispersed throughout our Nation by providing the essential knowledge necessary for successful programs of rural development.

National Agricultural Research, Extension, and Teaching Policy Act of 1977

Improve the coordination and planning of agricultural research, extension, and teaching programs, identify needs and establish priorities for these programs, assure that national agricultural research, extension, and teaching objectives are fully achieved, and assure that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit therefrom.

Renewable Resources Extension Act of 1978

The State Director of Cooperative Extension programs and the administrative heads of extension for eligible colleges and universities in each State shall jointly develop by mutual agreement, a single comprehensive and coordinated renewable resources extension program in which the role of each eligible college and university is well-defined.

Food Security Act (1985), Miscellaneous Provisions

Revision of language in the Smith-Lever Act of 1914.

Food, Agriculture, Conservation, and Trade Act of 1990

(Public Law 101-624-Title XVI, XXIV, XXV) Repeals some provisions of previous acts and gives authorization for appropriation for research and extension efforts related to sustainable and alternative agriculture, environmental issues (weather, water quality, global climate change), genetics, agricultural product processing and storage, and rural revitalization through forestry. Requires training of all agricultural agents in sustainable agriculture.

Smith-Lever Act

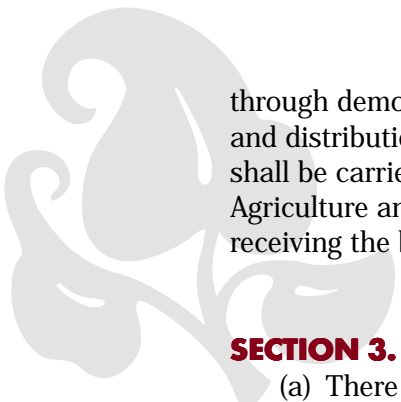
As amended. Several preceding acts contained amending language. P.L. 360, approved August 11, 1955 and P.L. 87-749, approved October 6, 1962 are examples. The 1990 amendment added new language to minimize conflicts of interest among employees paid in whole or in part by Smith-Lever funds. All preceding amendments still in force are incorporated into the following:
Chapter 79. — AN ACT to provide for cooperative agriculture extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture.

SECTION 1.

In order to aid in diffusing among people of the United States useful and practical information on subjects relating to agriculture, home economics, and rural energy, and to encourage the application same, there may be continued or inaugurated in connection with the college of the or colleges in each State, Territory, or possession, now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled “ An Act donating public lands to the several States and Territories which may provide college for the benefit of agriculture and the mechanic arts” and the Act of Congress approved August thirtieth, eighteen hundred and ninety, agriculture extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State, Territory, or possession in which two or more such colleges have been or hereafter may be established, the appropriations hereinafter made to such State, Territory, or possession shall be administered by such college or colleges as the legislature of such State, Territory, or possession may direct.

SECTION 2.

Cooperative agricultural extension work shall consist of the development of practical applications of research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, home economics, and rural energy, and subjects relating thereto to persons not attending or resident in said colleges in the several communities, and imparting information on said subjects



through demonstrations, publications, and otherwise and for the necessary printing and distribution of the information in connection with the foregoing; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agriculture college or colleges or Territory or possession receiving the benefits of this Act.

SECTION 3.

- (a) There are hereby authorized to be appropriated for the purpose of this ACT such sums as Congress may from time to time determine to be necessary.
- (b) (1) Out of such sums, each State and Federal Extension Service shall be entitled to receive annually a sum of money equal to the sums available from the Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.
- (b) (2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands, Guam, and the Northern Mariana Islands, \$100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.
- (c) Any sums made available by Congress for further development of cooperative extension work in addition to those referred to in subsection (b) hereof shall be distributed as follows:
1. Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Federal Extension Service for administrative, technical, and other services, and for coordinating the extension work of the Department and the several States, Territories and possessions.
 2. Of the remainder so appropriated for each fiscal year 20 per centum shall be paid to the several States in equal proportions, 40 per centum shall be paid to the several States in the proportion that the rural population of each bears to the total rural population of the several States as determined by the census, and the balance shall be paid to the several States in proportion that the farm population of each bears to the total farm population of the several States as determined by the census: Provided, That payments out of the additional appropriations for further development of extension work authorized herein may be made subject to the making available of such

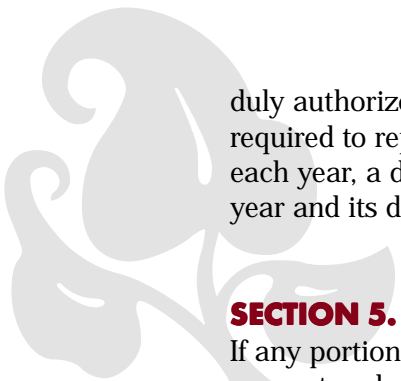


sums of public funds by the States from non-Federal funds for the maintenance of cooperative agricultural extension work provided for in this Act, as may be provided by the Congress at the time of such additional appropriations are made: *Provided further*, That any appropriations made hereunder shall be allotted in the first and succeeding years on the basis of the decennial census current at the time such appropriation is first made, and as to any increase, on the basis of decennial census current at the time such increase is first appropriated.

- (d) The Federal Extension Service shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions.
- (e) Insofar as the provisions of the subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977.
- (f) (1) The Secretary of Agriculture may conduct educational, instructional, demonstration and publication distribution programs through the Federal Extension Service and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.
- (f) (2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

SECTION 4.

On or about the first day of October in each year after the passage of this Act, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share if the annual appropriation for cooperative agricultural extension work under this Act and the amount which it is entitled to receive. Before the funds herein provided shall become available to any college for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. The Secretary shall ensure that each college seeking to receive funds under this Act has in place appropriate guidelines, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds. Such sums shall be paid in equal quarterly payments in or about October, January, and April and July of each year to the treasurer or other officer of the State



duly authorized by the laws of the State to receive the same, and such officer shall be required to report to the Secretary of Agriculture on or about the first day of April 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 of Agriculture.

SECTION 5.

If any portion of the moneys received by the designated officer of any State, for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost be misapplied, it shall be replaced by said State, and until so replaced no subsequent appropriation shall be apportioned or paid to said State. No portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or to purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in this Act. It shall be the duty of said colleges, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full detailed report of its operations in the expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture.

SECTION 6.

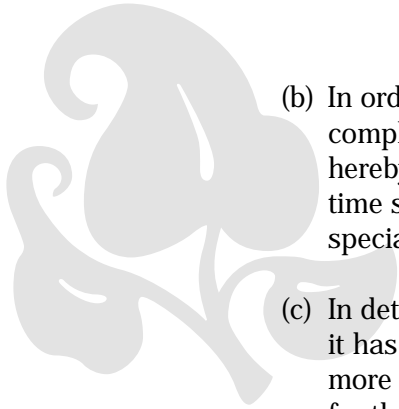
If the Secretary of Agriculture finds that a State is not entitled to receive its share of the annual appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State 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.

SECTION 7.

(Repealed) (Dealt with an annual report to Congress.)

SECTION 8.

- (a) The Congress finds that there exists special circumstances in certain areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following:
- (1) There is concentration of farm families on farms either too small or too unproductive or both;
 - (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations;
 - (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor;
 - (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.



- (b) In order to further the purpose of section 2 in such areas and to encourage complementary development essential to the welfare of such areas, there are hereby authorized to be appropriated such sums as the Congress from time to time shall determine to be necessary for payments to the States on the basis of special needs in such areas as determined by the Secretary of Agriculture.
- (c) In determining that the area has such special need, the Secretary shall find that it has a substantial number of disadvantaged farms or farm families for one or more of the reasons hereto enumerated. The Secretary shall make provisions for the assistance to be extended to include one or more of the following: (1) Intensive on-the-farm educational assistance to the farm family in appraising and resolving its problems; (2) assistance and counseling to local groups in appraising resources for capability of improvement in agriculture or introduction of industry designed to supplement farm income; (3) cooperation with other agencies and groups in furnishing all possible information as to existing employment opportunities, particularly to farm families having underemployed workers; and (4) in cases where the farm family, after analysis of its opportunities and existing resources, finds it advisable to seek a new farming venture, the providing of information, advice, and counsel in connection with making such change.
- (d) No more than 10 per centum of the sums available under this section shall be allotted to any one State. The Secretary shall use project proposals and plans of work submitted by the State Extension directors as a basis for determining the allocation of funds appropriated pursuant to this section.
- (e) Sums appropriated pursuant to this section shall be in addition to, and not in substitution for, appropriations otherwise available under this Act. The amounts authorized to be appropriated pursuant to this section shall not exceed a sum in any year equal to 10 per centum of sums otherwise appropriated pursuant to this Act.

SECTION 9.

The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary for carrying out the provisions of this Act.

SECTION 10.

The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.