



You are here: [Home](#) / [About Us](#) / [Legislative Affairs](#) / [CSREES-Related Legislation](#) / [Second Morrill Act of 1890](#)

About Us

Second Morrill Act of 1890

Act of August 30, 1890, ch. 841, 26 Stat. 417, 7 U.S.C. 322 et seq.

Chap. 841.--AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled , That there shall be and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands; to be paid as hereinafter provided to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be fifty thousand dollars to be applied only to instruction in food and agricultural sciences (1) and to the facilities for such instruction: *Provided* , That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts: (2) *Provided* , (3) That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided* , That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of Education (4) a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students. (5)

SEC. 2. (6) That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of October of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of Education, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or

other institutions entitled to the Secretary of Agriculture and to the Secretary of Education, on or before the first day of December of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. (7) That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of Education, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this Act.

SEC. 4. (8) That on or before the first day of October in each year, after the passage of this act, the Secretary of Education 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 act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Education 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 Education. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of Health, Education, and Welfare is hereby charged with the proper administration of this law. (9)

SEC. 5. (10) There is authorized to be appropriated annually for payment to the Virgin Islands, American Samoa, (11) 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 Act 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 the first sentence of this Act.

SEC. 6. (12) Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

[\(1\) The National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981](#), Public Law 97-98, 95 Stat. 1306, section 1421(a), amended the first section by deleting the words "agriculture, the mechanic arts," and all that follows through "industries of life" and inserting in lieu thereof the words "food and agricultural sciences".

[\(2\) 7 U.S.C. 322. The Act of March 4, 1907](#), ch. 2907, 34 Stat. 1281, increased the amount appropriated annually from \$25,000 to \$50,000 and added the proviso.

[\(3\) 7 U.S.C. 323.](#)

[\(4\) The words "Secretary of Education" are inserted on authority of the Department of Education Organic Act](#), Public Law 96-85, section 310, 93 Stat. 677. The Agriculture and Food Act of 1981, Public Law 97-98, 95 Stat. 1306, section 1419, transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act of August 30, 1890.

[\(5\) The National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981](#), Public Law 97-98, 95 Stat. 1312, section 1433, provided authority to award grants to

upgrade 1890 land-grant college research facilities.

[\(6\) 7 U.S.C. 324.](#) The proviso at the end of section 2 is omitted from U.S.C. For authority for insertion of "Secretary of Education", see footnote 4. The Act of April 21, 1976, Public Law 94-273, 90 Stat. 378, section 9(l), substituted the words "October" and "December" for the words "July" and "September".

[\(7\) 7 U.S.C. 325.](#) For authority for insertion of "Secretary of Education", see footnote 4.

[\(8\) 7 U.S.C. 326.](#) The Act of April 21, 1976, Public Law 94-273, 90 Stat. 376, section 3(l), deleted "July" and inserted "October". For authority for insertion of "Secretary of Education", see footnote 4.

[\(9\) 7 U.S.C. 321.](#) For authority for insertion of "Secretary of Education", see footnote 4.

[\(10\) 7 U.S.C. 326a.](#) Added by the Act of June 23, 1972, Public Law 92-318, 86 Stat. 350, section 506(c). Original section 5 of the Act of August 30, 1890, with respect to annual reports by the Secretary of the Interior was repealed by the Act of May 29, 1928, 45 Stat. 99, section 74.

[\(11\) Amended by the Education Amendments](#) of 1980, Public Law 96-374, 94 Stat. 1502, section 1361(b), to add "American Samoa, and Micronesia". Further amended by the Act of August 27, 1986, Public Law 99-396, 100 Stat. 840, section 9(b), to delete "and Micronesia, and Guam" and insert "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

[\(12\) 7 U.S.C. 328.](#)

Last Updated: 07/16/2007

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