

114TH CONGRESS
1ST SESSION

H. R. 3828

To amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to provide for an equitable distribution of formula funds between land-grant colleges and universities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2015

Ms. BROWN of Florida (for herself, Mr. THOMPSON of Mississippi, Ms. NORTON, Ms. ADAMS, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SEWELL of Alabama, Mrs. BEATTY, Mrs. WATSON COLEMAN, Mr. JEFFRIES, Ms. EDWARDS, Mr. FATTAH, Ms. FUDGE, Mr. BISHOP of Georgia, Ms. PLASKETT, Mr. MEEKS, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. DANNY K. DAVIS of Illinois, Ms. JACKSON LEE, Mr. RICHMOND, Ms. WILSON of Florida, Mr. HASTINGS, Mr. CLYBURN, Ms. CLARKE of New York, Ms. BASS, Mr. AL GREEN of Texas, Mr. VEASEY, Ms. MAXINE WATERS of California, Mr. RANGEL, Ms. LEE, Mr. RUSH, Mr. CLAY, Mr. LEWIS, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to provide for an equitable distribution of formula funds between land-grant colleges and universities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “The Land-Grant Op-
3 portunity Act”.

4 **SEC. 2. EQUITABLE DISTRIBUTION OF FORMULA FUNDS TO**
5 **LAND-GRANT COLLEGES AND UNIVERSITIES.**

6 (a) IN GENERAL.—Subtitle G of the National Agri-
7 cultural Research, Extension, and Teaching Policy Act of
8 1977 (7 U.S.C. 3221 et seq.) is amended by adding at
9 the end the following new sections:

10 **“SEC. 1449A. FORMULA FOR DISTRIBUTION OF EXTENSION**
11 **FUNDS TO LAND-GRANT COLLEGES AND UNI-**
12 **VERSITIES.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) 1862-INSTITUTION; 1890-INSTITUTION.—
15 The terms ‘1862-institution’ and ‘1890-institution’
16 have the meanings given such terms in section 2 of
17 the Agricultural Research, Extension, and Education
18 Reform Act of 1998 (7 U.S.C. 7601).

19 “(2) DISTRIBUTION FORMULA STATE.—The
20 term ‘distribution formula State’ means a State—

21 “(A) in which at least one 1862-institution
22 and at least one 1890-institution are located;

23 “(B) that provides matching funds in an
24 amount equal to more than 50 percent of the
25 extension funds to be distributed to such land-
26 grant colleges and universities; and

1 “(C)(i) with respect to any 1890-institu-
2 tion in such State, that does not provide match-
3 ing funds in an amount equal to the amount of
4 Federal funds available to be distributed to
5 such institution under section 1444; or

6 “(ii) with respect to any 1862-institution
7 in such State, that does not provide matching
8 funds in an amount equal to the amount of
9 Federal funds available to be distributed to
10 such institution under the Act of May 8, 1914
11 (7 U.S.C. 341 et seq.; commonly known as the
12 Smith-Lever Act).

13 “(3) EXTENSION FUNDS.—The term ‘extension
14 funds’ means funds distributed—

15 “(A) in the case of an 1890-institution,
16 under section 1444; and

17 “(B) in the case of an 1862-institution,
18 under the Act of May 8, 1914 (7 U.S.C. 341
19 et seq.; commonly known as the Smith-Lever
20 Act).

21 “(4) FULLY MATCHED RATIO.—The term ‘fully
22 matched ratio’ means—

23 “(A) in the case of an 1862-institution, if
24 the State provided matching funds in an
25 amount equal to the amount of Federal funds

1 available to be distributed to the institution
2 under the Act of May 8, 1914 (7 U.S.C. 341
3 et seq.; commonly known as the Smith-Lever
4 Act), for a fiscal year, the ratio that the sum
5 of the amount of funds that would be distrib-
6 uted to such institution under such Act for such
7 fiscal year and the amount of matching funds
8 the State would provide to such institution for
9 such fiscal year would bear to, with respect to
10 each other land-grant college or university in
11 the State, the sum of the amount of funds that
12 would be distributed to such land-grant college
13 or university in the State under such Act or
14 under section 1444, as the case may be, for
15 such fiscal year and the amount of matching
16 funds the State would provide to such college or
17 university for such fiscal year; or

18 “(B) in the case of an 1890-institution, if
19 the State provided matching funds in an
20 amount equal to the amount of Federal funds
21 available to be distributed to the institution
22 under section 1444 for a fiscal year, the ratio
23 that the sum of the amount of funds that would
24 be distributed to such institution under such
25 Act for such fiscal year and the amount of

1 matching funds the State would provide to such
2 institution for such fiscal year would bear to,
3 with respect to each other land-grant college or
4 university in the State, the sum of the amount
5 of funds that would be distributed to such land-
6 grant college or university in the State under
7 section 1444 or under the Act of May 8, 1914
8 (7 U.S.C. 341 et seq.; commonly known as the
9 Smith-Lever Act), as the case may be, for such
10 fiscal year and the amount of matching funds
11 the State would provide to such college or uni-
12 versity for such fiscal year.

13 “(5) **SHORTFALL PERCENTAGE.**—The term
14 ‘shortfall percentage’ means, with respect to a short-
15 fall State, the percentage that equals 100 percentage
16 points minus the number of percentage points by
17 which a shortfall State is deficient in providing
18 matching funds below 50 percentage points, as de-
19 scribed in paragraph (6)(B).

20 “(6) **SHORTFALL STATE.**—The term ‘shortfall
21 State’ means a State—

22 “(A) in which at least one 1862-institution
23 and at least one 1890-institution are located;
24 and

1 “(B) that provides matching funds in an
2 amount equal to 50 percent or less of the exten-
3 sion funds to be distributed to such land-grant
4 colleges and universities.

5 “(b) DETERMINATION OF NON-FEDERAL SOURCES
6 OF FUNDS.—Beginning not later than September 30,
7 2016, and each September 30 thereafter, each land-grant
8 college or university in a distribution formula State shall
9 submit to the Secretary a report describing for the pre-
10 ceding fiscal year—

11 “(1) the sources of non-Federal funds made
12 available by the State to the land-grant college or
13 university for agricultural extension and education
14 to meet the requirement of section 1449; and

15 “(2) the amount of such funds generally avail-
16 able from each source.

17 “(c) DISTRIBUTION FORMULA.—

18 “(1) IN GENERAL.—Beginning with fiscal year
19 2016, in the case of a distribution formula State,
20 the amount of extension funds to be distributed to
21 land-grant colleges and universities in such State
22 shall be distributed for a fiscal year in accordance
23 with paragraph (2).

24 “(2) FORMULA.—

1 “(A) IN GENERAL.—Of the extension
2 funds available to be distributed to a land-grant
3 college or university in a distribution formula
4 State for a fiscal year, such funds shall be dis-
5 tributed such that the ratio described in sub-
6 paragraph (B) for land-grant colleges and uni-
7 versities in the State is made to equal the fully
8 matched ratio for land-grant colleges and uni-
9 versities in the State.

10 “(B) ADJUSTED DISTRIBUTION RATIO.—
11 The ratio described in this subparagraph is—

12 “(i) the ratio that, in the case of an
13 1862-institution in a State, the sum of the
14 amount of funds to be distributed to such
15 institution under the Act of May 8, 1914
16 (7 U.S.C. 341 et seq.; commonly known as
17 the Smith-Lever Act), for a fiscal year and
18 the amount of matching funds the State
19 provides to such institution for such fiscal
20 year bears to, with respect to each other
21 land-grant college or university in the
22 State, the sum of the amount of funds to
23 be distributed to such land-grant college or
24 university in the State under such Act or
25 under section 1444, as the case may be,

1 for such fiscal year and the amount of
2 matching funds the State provides to such
3 college or university for such fiscal year; or

4 “(ii) the ratio that, in the case of an
5 1890-institution in a State, the sum of the
6 amount of funds to be distributed to such
7 institution under section 1444 for a fiscal
8 year and the amount of matching funds
9 the State provides to such institution for
10 such fiscal year bears to, with respect to
11 each other land-grant college or university
12 in the State, the sum of the amount of
13 funds to be distributed to such other land-
14 grant college or university in the State
15 under section 1444 or under the Act of
16 May 8, 1914 (7 U.S.C. 341 et seq.; com-
17 monly known as the Smith-Lever Act), as
18 the case may be, for such fiscal year and
19 the amount of matching funds the State
20 provides to such college or university for
21 such fiscal year.

22 “(3) TREATMENT OF SHORTFALL STATES.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the formula described in paragraph
25 (2)(A) shall apply with respect to the distribu-

1 tion of extension funds to land-grant colleges
2 and universities in a shortfall State in the same
3 manner as such formula applies to the distribu-
4 tion of extension funds to land-grant colleges
5 and universities in a distribution formula State
6 for a fiscal year.

7 “(B) AMOUNT OF FEDERAL FUNDS AVAIL-
8 ABLE FOR DISTRIBUTION.—In the case of a
9 shortfall State, the total amount of extension
10 funds available to be distributed to the land-
11 grant colleges and universities in such State
12 shall equal the product of—

13 “(i) the total amount which such col-
14 leges and universities are eligible to receive
15 under the Act of May 8, 1914 (7 U.S.C.
16 341 et seq.; commonly known as the
17 Smith-Lever Act), and section 1444 for a
18 fiscal year; and

19 “(ii) the shortfall percentage for such
20 State and such fiscal year.

21 **“SEC. 1449B. FORMULA FOR DISTRIBUTION OF RESEARCH**
22 **FUNDS TO LAND-GRANT COLLEGES AND UNI-**
23 **VERSITIES.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) 1862-INSTITUTION; 1890-INSTITUTION.—
2 The terms ‘1862-institution’ and ‘1890-institution’
3 have the meanings given such terms in section 2 of
4 the Agricultural Research, Extension, and Education
5 Reform Act of 1998 (7 U.S.C. 7601).

6 “(2) DISTRIBUTION FORMULA STATE.—The
7 term ‘distribution formula State’ means a State—

8 “(A) in which at least one 1862-institution
9 and at least one 1890-institution are located;

10 “(B) that provides matching funds in an
11 amount equal to more than 50 percent of the
12 research funds to be distributed to such land-
13 grant colleges and universities; and

14 “(C)(i) with respect to any 1890-institu-
15 tion in such State, that does not provide match-
16 ing funds in an amount equal to the amount of
17 Federal funds available to be distributed to
18 such institution under section 1445; or

19 “(ii) with respect to any 1862-institution
20 in such State, that does not provide matching
21 funds in an amount equal to the amount of
22 Federal funds available to be distributed to
23 such institution under the Act of March 2,
24 1887 (7 U.S.C. 361a et seq.; commonly known
25 as the Hatch Act of 1887).

1 “(3) FULLY MATCHED RATIO.—The term ‘fully
2 matched ratio’ means—

3 “(A) in the case of an 1862-institution, if
4 the State provided matching funds in an
5 amount equal to the amount of Federal funds
6 available to be distributed to the institution
7 under the Act of March 2, 1887 (7 U.S.C. 361a
8 et seq.; commonly known as the Hatch Act of
9 1887), for a fiscal year, the ratio that the sum
10 of the amount of funds that would be distrib-
11 uted to such institution under such Act for such
12 fiscal year and the amount of matching funds
13 the State would provide to such institution for
14 such fiscal year would bear to, with respect to
15 each other land-grant college or university in
16 the State, the sum of the amount of funds that
17 would be distributed to such other land-grant
18 college or university in the State under such
19 Act or under section 1445, as the case may be,
20 for such fiscal year and the amount of match-
21 ing funds the State would provide to such col-
22 lege or university for such fiscal year; or

23 “(B) in the case of an 1890-institution, if
24 the State provided matching funds in an
25 amount equal to the amount of Federal funds

1 available to be distributed to the institution
2 under section 1445 for a fiscal year, the ratio
3 that the sum of the amount of funds that would
4 be distributed to such institution under such
5 Act for such fiscal year and the amount of
6 matching funds the State would provide to such
7 institution for such fiscal year would bear to,
8 with respect to each other land-grant college or
9 university in the State, the sum of the amount
10 of funds that would be distributed to such land-
11 grant college or university in the State under
12 section 1445 or under the Act of March 2,
13 1887 (7 U.S.C. 361a et seq.; commonly known
14 as the Hatch Act of 1887), as the case may be,
15 for such fiscal year and the amount of match-
16 ing funds the State would provide to such col-
17 lege or university for such fiscal year.

18 “(4) RESEARCH FUNDS.—The term ‘research
19 funds’ means funds distributed—

20 “(A) in the case of an 1890-institution,
21 under section 1445; and

22 “(B) in the case of an 1862-institution,
23 under the Act of March 2, 1887 (7 U.S.C. 361a
24 et seq.; commonly known as the Hatch Act of
25 1887).

1 “(5) SHORTFALL PERCENTAGE.—The term
2 ‘shortfall percentage’ means, with respect to a short-
3 fall State, the percentage that equals 100 percentage
4 points minus the number of percentage points by
5 which a shortfall State is deficient in providing
6 matching funds below 50 percentage points, as de-
7 scribed in paragraph (6)(B).

8 “(6) SHORTFALL STATE.—In this section, the
9 term ‘shortfall State’ means a State—

10 “(A) in which at least one 1862-institution
11 and at least one 1890-institution are located;
12 and

13 “(B) that provides matching funds in an
14 amount equal to 50 percent or less of the re-
15 search funds to be distributed to such land-
16 grant colleges and universities.

17 “(b) DETERMINATION OF NON-FEDERAL SOURCES
18 OF FUNDS.—Beginning not later than September 30,
19 2016, and each September 30 thereafter, each land-grant
20 college or university in a distribution formula State shall
21 submit to the Secretary a report describing for the pre-
22 ceding fiscal year—

23 “(1) the sources of non-Federal funds made
24 available by the State to the land-grant college or

1 university for agricultural research to meet the re-
2 quirement of section 1449; and

3 “(2) the amount of such funds generally avail-
4 able from each source.

5 “(c) DISTRIBUTION FORMULA.—

6 “(1) IN GENERAL.—Beginning with fiscal year
7 2016, in the case of a distribution formula State,
8 the amount of research funds to be distributed to
9 land-grant colleges and universities in such State
10 shall be distributed in accordance with paragraph
11 (2).

12 “(2) FORMULA.—

13 “(A) IN GENERAL.—Of the research funds
14 available to be distributed to a land-grant col-
15 lege or university in a distribution formula
16 State for a fiscal year, such funds shall be dis-
17 tributed such that the ratio described in sub-
18 paragraph (B) for land-grant colleges and uni-
19 versities in the State is made to equal the fully
20 matched ratio for land-grant colleges and uni-
21 versities in the State.

22 “(B) ADJUSTED DISTRIBUTION RATIO.—

23 The ratio described in this subparagraph is—

24 “(i) the ratio that, in the case of an
25 1862-institution in a State, the sum of the

1 amount of funds to be distributed to such
2 institution under the Act of March 2, 1887
3 (7 U.S.C. 361a et seq.; commonly known
4 as the Hatch Act of 1887), for a fiscal
5 year and the amount of matching funds
6 the State provides to such institution for
7 such fiscal year bears to, with respect to
8 each other land-grant college or university
9 in the State, the sum of the amount of
10 funds to be distributed to such other land-
11 grant college or university in the State
12 under such Act or under section 1445, as
13 the case may be, for such fiscal year and
14 the amount of matching funds the State
15 provides to such college or university for
16 such fiscal year; or

17 “(ii) the ratio that, in the case of an
18 1890-institution in a State, the sum of the
19 amount of funds to be distributed to such
20 institution under section 1445 for a fiscal
21 year and the amount of matching funds
22 the State provides to such institution for
23 such fiscal year bears to, with respect to
24 each other land-grant college or university
25 in the State, the sum of the amount of

1 funds to be distributed to such land-grant
2 college or university in the State under
3 section 1445 or under the Act of March 2,
4 1887 (7 U.S.C. 361a et seq.; commonly
5 known as the Hatch Act of 1887), as the
6 case may be, for such fiscal year and the
7 amount of matching funds the State pro-
8 vides to such college or university for such
9 fiscal year.

10 “(3) TREATMENT OF SHORTFALL STATES.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the formula described in paragraph
13 (2)(A) shall apply with respect to the distribu-
14 tion of extension funds to land-grant colleges
15 and universities in a shortfall State in the same
16 manner as such formula applies to the distribu-
17 tion of extension funds to land-grant colleges
18 and universities in a distribution formula State
19 for a fiscal year.

20 “(B) AMOUNT OF FEDERAL FUNDS AVAIL-
21 ABLE FOR DISTRIBUTION.—In the case of a
22 shortfall State, the total amount of extension
23 funds available to be distributed to the land-
24 grant colleges and universities in such State
25 shall equal the product of—

1 “(i) the total amount which such col-
2 leges and universities are eligible to receive
3 under the Act of March 2, 1887 (7 U.S.C.
4 361a et seq.; commonly known as the
5 Hatch Act of 1887), and section 1445 for
6 a fiscal year; and

7 “(ii) the shortfall percentage for such
8 State and such fiscal year.”.

9 (b) CONFORMING AMENDMENTS.—Section 1449 of
10 the National Agricultural Research, Extension, and
11 Teaching Policy Act of 1977 (7 U.S.C. 3222d) is amend-
12 ed—

13 (1) in subsection (c), by striking “subtitle, the
14 State shall provide” and inserting “subtitle, the
15 State shall provide to eligible institutions, with re-
16 spect to the maximum amount such institutions are
17 eligible to receive under sections 1444 and 1445,”;

18 (2) by striking subsection (d); and

19 (3) by redesignating subsections (e) and (f) as
20 subsections (d) and (e), respectively.

○