

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.

○