

118TH CONGRESS
1ST SESSION

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To amend the Competitive, Special, and Facilities Research Grant Act and the Department of Agriculture Reorganization Act of 1994 to further plant cultivar and animal breed research, development, and commercialization, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

Ms. BALDWIN (for herself, Mr. HEINRICH, Ms. SMITH, Mr. WYDEN, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Competitive, Special, and Facilities Research Grant Act and the Department of Agriculture Reorganization Act of 1994 to further plant cultivar and animal breed research, development, and commercialization, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Seeds and Breeds for
5 the Future Act”.

1 **SEC. 2. PUBLIC CULTIVAR DEVELOPMENT.**

2 Section 2 of the Competitive, Special, and Facilities
3 Research Grant Act (7 U.S.C. 3157) is amended—

4 (1) in subsection (a), by adding at the end the
5 following:

6 “(3) DEFINITIONS.—In this section:

7 “(A) CONVENTIONAL BREEDING.—The
8 term ‘conventional breeding’ means the develop-
9 ment of new varieties of an organism through
10 controlled mating and selection without the use
11 of transgenic methods.

12 “(B) CULTIVAR.—The term ‘cultivar’
13 means a variety of a species of plant that has
14 been intentionally selected for use in cultivation
15 because of the improved characteristics of that
16 variety of the species.

17 “(C) PUBLIC ANIMAL BREED.—The term
18 ‘public animal breed’ means an animal breed—

19 “(i) that is the commercially available
20 uniform end product of a publicly funded
21 breeding program that has been suffi-
22 ciently tested to demonstrate improved
23 characteristics and stable performance; and

24 “(ii) with respect to which, if intellec-
25 tual property rights are asserted, the intel-
26 lectual property rights are in the form of

1 plant patents or plant variety protection
2 and not utility patents.

3 “(D) PUBLIC CULTIVAR.—The term ‘public
4 cultivar’ means a cultivar—

5 “(i) that is the commercially available
6 uniform end product of a publicly funded
7 breeding program that has been suffi-
8 ciently tested to demonstrate improved
9 characteristics and stable performance; and

10 “(ii) with respect to which, if intellec-
11 tual property rights are asserted, the intel-
12 lectual property rights are in the form of
13 plant patents or plant variety protection
14 and not utility patents.

15 “(E) PUBLIC CULTIVAR OR ANIMAL
16 BREED.—The term ‘public cultivar or animal
17 breed’ means—

18 “(i) a public animal breed; and

19 “(ii) a public cultivar.”; and

20 (2) by adding at the end the following:

21 “(1) PUBLIC CULTIVAR AND ANIMAL BREED DEVEL-
22 OPMENT FUNDING.—

23 “(1) SET-ASIDE.—

24 “(A) IN GENERAL.—Of the amount of
25 grants made under the provisions of law de-

1 scribed in subparagraph (B), the Secretary
2 shall ensure that not less than \$75,000,000 for
3 each fiscal year is used for competitive research
4 grants that support the development of public
5 cultivars and animal breeds.

6 “(B) PROVISIONS OF LAW DESCRIBED.—

7 The provisions of law referred to in subpara-
8 graph (A) are—

9 “(i) subsections (b) and (c);

10 “(ii) section 1672B(e) of the Food,
11 Agriculture, Conservation, and Trade Act
12 of 1990 (7 U.S.C. 5925b(e));

13 “(iii) sections 1619 through 1624 of
14 that Act (7 U.S.C. 5801 et seq.);

15 “(iv) any relevant competitive grant
16 program authorized by section 406 of the
17 Agricultural Research, Extension, and
18 Education Reform Act of 1998 (7 U.S.C.
19 7626), as determined by the Secretary;
20 and

21 “(v) section 412 of that Act (7 U.S.C.
22 7632).

23 “(2) PRIORITY.—In making grants under para-
24 graph (1), the Secretary shall give priority to high-

1 potential research projects that lead to the release of
2 public cultivars and animal breeds, including—

3 “(A) regionally adapted public cultivars
4 and animal breeds;

5 “(B) public cultivars and animal breeds
6 bred for environmental resilience, including re-
7 siliance to changing climates;

8 “(C) public animal breeds adapted to graz-
9 ing and overwintering as appropriate for the
10 applicable production region;

11 “(D) public cultivars and animal breeds
12 bred to enhance the nutritional and health out-
13 comes of local and Indigenous populations;

14 “(E) public cultivars and animal breeds of
15 Indigenous and place-based importance that are
16 endangered; and

17 “(F) public cultivars and animal breeds
18 with beneficial and compatible characteristics
19 and behaviors for dual-use renewable energy-ag-
20 ricultural systems.

21 “(3) GRANTS.—The Secretary shall ensure that
22 the terms and renewal process for any competitive
23 grants made under subsection (b) in accordance with
24 paragraph (1) facilitate the development and com-
25 mercialization of public cultivars and animal breeds

1 through long-term grants not less than 5 years in
2 length.

3 “(4) REQUIREMENT FOR DOMESTIC PRODUC-
4 TION.—No person that receives title to a plant pat-
5 ent or plant variety protection relating to any public
6 cultivar or animal breed developed using funds re-
7 ceived under this subsection, and no assignee of any
8 such person, shall grant to any person the exclusive
9 right to use or sell that public cultivar or animal
10 breed unless that person agrees that any cultivars or
11 animals embodying the public cultivar or animal
12 breed or produced through the use of the public
13 cultivar or animal breed will be produced substan-
14 tially in the United States.

15 “(5) REPORT.—Not later than October 1 of
16 each year, the Secretary shall submit to Congress a
17 report that provides information on all public
18 cultivar and animal breeding research funded by the
19 Department of Agriculture, including—

20 “(A) a list of public cultivars and animal
21 breeds developed and released in a commercially
22 available form;

23 “(B) areas of high-priority research;

1 “(C) identified research gaps relating to
2 public cultivar and animal breed development;
3 and

4 “(D) an assessment of the state of com-
5 mercialization for public cultivars and animal
6 breeds that have been developed.”.

7 **SEC. 3. PUBLIC CULTIVAR AND ANIMAL BREED RESEARCH**
8 **COORDINATION.**

9 (a) IN GENERAL.—Section 251 of the Department of
10 Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)
11 is amended—

12 (1) in subsection (e), by adding at the end the
13 following:

14 “(7) PUBLIC CULTIVAR AND ANIMAL BREED
15 RESEARCH ACTIVITIES COORDINATOR.—

16 “(A) IN GENERAL.—The Under Secretary
17 shall appoint a coordinator within the Research,
18 Education, and Extension Office that reports to
19 the Under Secretary to coordinate research ac-
20 tivities at the Department relating to the breed-
21 ing of public cultivars and animal breeds (as
22 defined in paragraph (3) of section 2(a) of the
23 Competitive, Special, and Facilities Research
24 Grant Act (7 U.S.C. 3157(a))).

1 “(B) DUTIES OF COORDINATOR.—The co-
2 ordinator appointed under subparagraph (A)
3 shall—

4 “(i) coordinate plant and animal
5 breeding research activities funded by the
6 Department relating to the development of
7 public cultivars and animal breeds;

8 “(ii)(I) carry out ongoing analysis and
9 track activities for any Federal research
10 funding supporting plant and animal
11 breeding (including any public cultivars
12 and animal breeds developed with Federal
13 funds); and

14 “(II) ensure that the analysis and ac-
15 tivities are made available to the public not
16 later than 60 days after the last day of
17 each fiscal year;

18 “(iii) develop a strategic plan that es-
19 tablishes targets for public cultivar and
20 animal breed research investments across
21 the Department to ensure that a diverse
22 range of crop and animal needs are being
23 met in a timely and transparent manner;

24 “(iv) convene a working group in
25 order to carry out the coordination func-

1 tions described in this subparagraph com-
2 prised of individuals who are responsible
3 for the management, administration, or
4 analysis of public cultivar and animal
5 breeding programs within the Department
6 from—

7 “(I) the National Institute of
8 Food and Agriculture;

9 “(II) the Agricultural Research
10 Service; and

11 “(III) the Economic Research
12 Service;

13 “(v) in order to maximize delivery of
14 public cultivars and animal breeds, pro-
15 mote collaboration among—

16 “(I) the coordinator;

17 “(II) the working group convened
18 under clause (iv);

19 “(III) the advisory council estab-
20 lished under section 1634 of the
21 Food, Agriculture, Conservation, and
22 Trade Act of 1990 (7 U.S.C. 5843);

23 “(IV) genetic resource conserva-
24 tion centers;

1 “(V) land-grant colleges and uni-
2 versities (as defined in section 1404 of
3 the National Agricultural Research,
4 Extension, and Teaching Policy Act of
5 1977 (7 U.S.C. 3103));

6 “(VI) Hispanic-serving institu-
7 tions (as defined in section 502(a) of
8 the Higher Education Act of 1965 (20
9 U.S.C. 1101a(a));

10 “(VII) Native American-serving
11 nontribal institutions (as defined in
12 section 371(c) of the Higher Edu-
13 cation Act of 1965 (20 U.S.C.
14 1067q(c));

15 “(VIII) nongovernmental organi-
16 zations with interest or expertise in
17 public breeding; and

18 “(IX) public and private plant
19 and animal breeders, including small-
20 scale organic breeders;

21 “(vi) convene regular stakeholder lis-
22 tening sessions to provide input on na-
23 tional and regional priorities for public
24 cultivar and animal breeding research ac-
25 tivities across the Department; and

1 “(vii) evaluate and make rec-
2 ommendations to the Under Secretary on
3 training and resource needs to meet future
4 breeding challenges.”; and

5 (2) in subsection (f)(1)(D)(i), by striking “(7
6 U.S.C. 450i(b))” and inserting “(7 U.S.C.
7 3157(b))”.

8 (b) CONFORMING AMENDMENT.—Section
9 296(b)(6)(B) of the Department of Agriculture Reorga-
10 nization Act of 1994 (7 U.S.C. 7014(b)(6)(B)) is amended
11 by striking “Scientist; and” and inserting “Scientist (in-
12 cluding the public cultivar and animal breed research ac-
13 tivities coordinator under subsection (e)(7) of that sec-
14 tion); and”.

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