

1 Title: To amend the Competitive, Special, and Facilities Research Grant Act and the Department  
2 of Agriculture Reorganization Act of 1994 to further plant cultivar and animal breed research,  
3 development, and commercialization, and for other purposes.  
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6 Be it enacted by the Senate and House of Representatives of the United States of America in  
7 Congress assembled,

## 8 SECTION 1. SHORT TITLE.

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

## 10 SEC. 2. PUBLIC CULTIVAR DEVELOPMENT.

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

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

14 “(3) DEFINITIONS.—In this section:

15 “(A) CONVENTIONAL BREEDING.—The term ‘conventional breeding’ means the  
16 development of new varieties of an organism through controlled mating and selection  
17 without the use of transgenic methods.

18 “(B) CULTIVAR.—The term ‘cultivar’ means a variety of a species of plant that has  
19 been intentionally selected for use in cultivation because of the improved  
20 characteristics of that variety of the species.

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

23 “(i) that is the commercially available uniform end product of a publicly funded  
24 breeding program that has been sufficiently tested to demonstrate improved  
25 characteristics and stable performance; and

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

27 “(i) that is the commercially available uniform end product of a publicly funded  
28 breeding program that has been sufficiently tested to demonstrate improved  
29 characteristics and stable performance; and

30 “(ii) with respect to which, if intellectual property rights are asserted, the  
31 intellectual property rights are in the form of plant patents or plant variety  
32 protection and not utility patents.

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

35 “(i) a public animal breed; and

36 “(ii) a public cultivar.”.

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

1 “(I) Public Cultivar and Animal Breed Development Funding.—

2 “(1) SET-ASIDE.—

3 “(A) IN GENERAL.—Of the amount of grants made under the provisions of law  
4 described in subparagraph (B), the Secretary shall ensure that not less than  
5 \$75,000,000 for each fiscal year is used for competitive research grants that support  
6 the development of public cultivars and animal breeds.

7 “(B) PROVISIONS OF LAW DESCRIBED.—The provisions of law referred to in  
8 subparagraph (A) are—

9 “(i) subsections (b) and (c);

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

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

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

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

17 “(2) PRIORITY.—In making grants under paragraph (1), the Secretary shall give priority to  
18 high-potential research projects that lead to the release of public cultivars and animal  
19 breeds, including—

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

21 “(B) public cultivars and animal breeds bred for environmental resilience, including  
22 resilience to changing climates;

23 “(C) public animal breeds adapted to grazing and overwintering as appropriate for  
24 the applicable production region;

25 “(D) public cultivars and animal breeds bred to enhance the nutritional and health  
26 outcomes of local and Native American, Alaska Native, and Native Hawaiian  
27 populations;

28 “(E) public cultivars and animal breeds of indigenous and place-based importance  
29 that are endangered; and

30 “(F) public cultivars and animal breeds with beneficial and compatible  
31 characteristics and behaviors for dual-use renewable energy-agricultural systems.

32 “(3) GRANTS.—The Secretary shall ensure that -

33 “(A) the term of any competitive grant made under subsection (b) for the purpose  
34 described in paragraph (1) is not less than 5 years;

35 “(B) that term and any associated renewal process facilitates the development and  
36 commercialization of public breeds and cultivars through long-term grants; and

37 “(C) Tribal consultation occurs to ensure public breed and cultivar development does  
38 not infringe on the abilities of Tribes to maintain culturally sensitive breeds and

1 cultivars.”.

2 “(4) REQUIREMENT FOR DOMESTIC PRODUCTION.—No person that receives title to a plant  
3 patent or plant variety protection relating to any public cultivar or animal breed developed  
4 using funds received under this subsection, and no assignee of any such person, shall grant  
5 to any person the right to use or sell that public cultivar or animal breed unless that person  
6 agrees that any cultivars or animals embodying the public cultivar or animal breed or  
7 produced through the use of the public cultivar or animal breed will be produced  
8 substantially in the United States.

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

12 “(A) a list of public cultivars and animal breeds developed and released in a  
13 commercially available form;

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

15 “(C) identified research gaps relating to public cultivar and animal breed  
16 development; and

17 “(D) an assessment of the state of commercialization for public cultivars and animal  
18 breeds that have been developed.”.

### 19 SEC. 3. PUBLIC CULTIVAR AND ANIMAL BREED 20 RESEARCH COORDINATION.

21 (a) In General.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7  
22 U.S.C. 6971) is amended—

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

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

25 “(A) IN GENERAL.—The Under Secretary shall appoint a coordinator within the  
26 Research, Education, and Extension Office that reports to the Under Secretary to  
27 coordinate research activities at the Department relating to the breeding of public  
28 cultivars and animal breeds (as defined in paragraph (3) of section 2(a) of the  
29 Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(a))).

30 “(B) DUTIES OF COORDINATOR.—The coordinator appointed under subparagraph (A)  
31 shall—

32 “(i) coordinate plant and animal breeding research activities funded by the  
33 Department relating to the development of public cultivars and animal breeds;

34 “(ii)(I) carry out ongoing analysis and track activities for any Federal research  
35 funding supporting plant and animal breeding (including any public cultivars and  
36 animal breeds developed with Federal funds); and

37 “(II) ensure that the analysis and activities are made available to the public not  
38 later than 60 days after the last day of each fiscal year;

39 “(iii) develop a strategic plan that establishes targets for public cultivar and

1 animal breed research investments across the Department to ensure that a diverse  
2 range of crop and animal needs are being met in a timely and transparent manner;

3 “(iv) convene a working group in order to carry out the coordination functions  
4 described in this subparagraph comprised of individuals who are responsible for  
5 the management, administration, or analysis of public cultivar and animal  
6 breeding programs within the Department from—

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

8 “(II) the Agricultural Research Service; and

9 “(III) the Economic Research Service;

10 “(v) in order to maximize delivery of public cultivars and animal breeds,  
11 promote collaboration among—

12 “(I) the coordinator;

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

14 “(III) the advisory council established under section 1634 of the Food,  
15 Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5843);

16 “(IV) genetic resource conservation centers;

17 “(V) land-grant institutions eligible for funding under the Morrill Acts of  
18 1862 (12 Stat. 503 as codified in 7 U.S.C. 301 et seq.) and 1890 (26 Stat. 417  
19 as codified in 7 U.S.C. 322) and the Equity in Educational Land Grant Status  
20 Act of 1994 (P.L. 103-382);

21 “(VI) Hispanic-serving institutions (as defined in section 502(a) of the  
22 Higher Education Act of 1965 (20 U.S.C. 1101a(a)));

23 “(VII) Native American-serving nontribal institutions (as defined in  
24 section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)));

25 “(VIII) Tribal Colleges and Universities (as defined in section 316(b) of  
26 the Higher Education Act of 1965 (20 U.S.C. 1059c(b)) and Federally-  
27 Recognized Tribes Extension Programs;

28 “(IX) nongovernmental organizations with interest or expertise in public  
29 breeding;

30 “(X) public and private plant and animal breeders, including small-scale  
31 organic breeders; and

32 “(XI) reservation extension programs as established by Section 1677 of  
33 the Food, Agriculture, and Trade Act of 1990 (7 USC 5930).

34 “(vi) convene regular stakeholder listening sessions to provide input on national  
35 and regional priorities for public cultivar and animal breeding research activities  
36 across the Department; and

37 “(vii) evaluate and make recommendations to the Under Secretary on training  
38 and resource needs to meet future breeding challenges.”; and

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

3           (b) Conforming Amendment.—Section 296(b)(6)(B) of the Department of Agriculture  
4 Reorganization Act of 1994 (7 U.S.C. 7014(b)(6)(B)) is amended by striking “Scientist; and” and  
5 inserting “Scientist (including the public cultivar and animal breed research activities coordinator  
6 under subsection (e)(7) of that section); and”.  
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