

119TH CONGRESS
2D SESSION

H. R. 9681

To amend the Leahy-Smith America Invents Act to limit intellectual property protection for plants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2026

Mr. MCGOVERN (for himself and Mr. CASAR) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Leahy-Smith America Invents Act to limit intellectual property protection for plants, 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 “Fair Seeds for Farm-
5 ers Act”.

6 **SEC. 2. LIMITATION ON INTELLECTUAL PROPERTY PRO-**
7 **TECTION FOR PLANTS.**

8 The Leahy-Smith America Invents Act (35 U.S.C. 1
9 note; Public Law 112–29) is amended—

1 (1) in section 33, by adding at the end of the
2 section heading the following: “**FOR HUMAN ORGA-**
3 **NISMS**”; and

4 (2) by inserting after such section the following
5 (and conforming the table of contents appropriately):

6 **“SEC. 33A. LIMITATION ON INTELLECTUAL PROPERTY PRO-**
7 **TECTION FOR PLANTS.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of law—

10 “(1) no protection may be provided under any
11 Federal law with respect to a plant, plant variety, or
12 plant germplasm, except pursuant to a law described
13 in subsection (b); and

14 “(2) no contractual obligation or agreement
15 that may be allowable under the laws described in
16 subsection (b) that limits the use of a plant, plant
17 variety, plant germplasm, or other biological mate-
18 rial for research, breeding, experimentation, seed
19 saving, or propagation may be enforced.

20 “(b) LAWS DESCRIBED.—The laws described in this
21 subsection are the following:

22 “(1) The Plant Variety Protection Act (7
23 U.S.C. 2321 et seq.).

1 “(2) Chapter 15 of title 35, United States Code
2 (commonly known as the ‘Plant Patent Act of
3 1930’).

4 “(c) DEFINITIONS.—In this section:

5 “(1) GERMPLASM.—The term ‘germplasm’
6 means plant material capable of propagation, includ-
7 ing seeds, pollen, tubers, or rootstock for use in
8 breeding, conservation, or research.

9 “(2) PLANT VARIETY.—The term ‘plant variety’
10 means a plant grouping within a single botanical
11 taxon of the lowest known rank that can be defined
12 by the expression of the characteristics resulting
13 from a given genotype or combination of genotypes,
14 distinguished from any other plant grouping by the
15 expression of at least one characteristic and consid-
16 ered as a unit with regard to the suitability of the
17 plant grouping for being propagated unchanged. A
18 plant variety may be represented by seed, trans-
19 plants, plants, tubers, tissue culture plantlets, and
20 other matter.

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—Subsection (a) shall apply
23 to—

1 “(A) any application for a patent that is
2 pending on, or filed on or after, the date of en-
3 actment of this section; and

4 “(B) any contractual obligation or agree-
5 ment entered into on or after the date of enact-
6 ment of this section.

7 “(2) PRIOR APPLICATIONS.—Subsection (a)
8 shall not affect the validity of any patent issued on
9 an application to which paragraph (1) does not
10 apply.”.

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