

119TH CONGRESS
2D SESSION

S. 5126

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

JULY 23, 2026

Ms. BALDWIN (for herself, Ms. SMITH, Mr. HEINRICH, 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 animal breed patents or animal breed vari-
 2 ety protection and not utility patents.

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

5 “(i) that is the appropriately named
 6 and commercially available uniform end
 7 product of a publicly funded breeding pro-
 8 gram that has been sufficiently tested to
 9 demonstrate improved characteristics and
 10 stable performance; and

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

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

19 “(i) a public animal breed; and

20 “(ii) a public cultivar.”; and

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

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

24 “(1) SET-ASIDE.—

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

8 “(B) PROVISIONS OF LAW DESCRIBED.—
9 The provisions of law referred to in subpara-
10 graph (A) are—

11 “(i) subsections (b) and (c);

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

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

17 “(iv) any relevant competitive grant
18 program authorized by section 406 of the
19 Agricultural Research, Extension, and
20 Education Reform Act of 1998 (7 U.S.C.
21 7626), as determined by the Secretary;
22 and

23 “(v) section 412 of that Act (7 U.S.C.
24 7632).

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

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

7 “(B) public cultivars and animal breeds
8 bred for environmental resilience, including re-
9 silience to changing climates;

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

13 “(D) germplasm collection and curation,
14 with emphasis on native plant and animal spe-
15 cies;

16 “(E) public cultivars and animal breeds
17 bred to enhance the nutritional and health out-
18 comes of local and Indigenous populations;

19 “(F) public cultivars and animal breeds of
20 Indigenous and place-based importance that are
21 endangered; and

22 “(G) public cultivars and animal breeds
23 with beneficial and compatible characteristics
24 and behaviors for dual-use renewable energy-ag-
25 ricultural systems.

1 “(3) GRANTS.—The Secretary shall ensure that
2 the terms and renewal process for any competitive
3 grants made under subsection (b) in accordance with
4 paragraph (1) facilitate the development and com-
5 mercialization of public cultivars and animal breeds
6 through long-term grants.

7 “(4) REQUIREMENT FOR DOMESTIC PRODUC-
8 TION.—No person that receives title to a patent or
9 variety protection relating to any public cultivar or
10 animal breed developed using funds received under
11 this subsection, and no assignee of any such person,
12 shall grant to any person the exclusive right to use
13 or sell that public cultivar or animal breed unless
14 that person agrees that any cultivars or animals em-
15 bodying the public cultivar or animal breed or pro-
16 duced through the use of the public cultivar or ani-
17 mal breed will be produced substantially in the
18 United States.

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

1 “(A) a list of public cultivars and animal
2 breeds developed and released in a commercially
3 available form;

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

5 “(C) identified research gaps relating to
6 public cultivar and animal breed development;
7 and

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

11 **SEC. 3. PUBLIC CULTIVAR AND ANIMAL BREED RESEARCH**
12 **COORDINATION.**

13 (a) IN GENERAL.—Section 251 of the Department of
14 Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)
15 is amended—

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

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

20 “(A) IN GENERAL.—The Under Secretary
21 shall appoint a coordinator within the Research,
22 Education, and Extension Office that reports to
23 the Under Secretary to coordinate research ac-
24 tivities at the Department relating to the breed-
25 ing of public cultivars and animal breeds (as

1 defined in paragraph (3) of section 2(a) of the
2 Competitive, Special, and Facilities Research
3 Grant Act (7 U.S.C. 3157(a)).

4 “(B) DUTIES OF COORDINATOR.—The co-
5 ordinator appointed under subparagraph (A)
6 shall—

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

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

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

21 “(iii) develop a strategic plan that es-
22 tablishes targets for public cultivar and
23 animal breed research investments across
24 the Department to ensure that a diverse

range of crop and animal needs are being
met in a timely and transparent manner;

“(iv) convene a working group in
order to carry out the coordination func-
tions described in this subparagraph com-
prised of individuals who are responsible
for the management, administration, or
analysis of public cultivar and animal
breeding programs within the Department
from—

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

“(II) the Agricultural Research
Service; and

“(III) the Economic Research
Service;

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

“(I) the coordinator;

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

“(III) the advisory council estab-
lished under section 1634 of the

1 Food, Agriculture, Conservation, and
2 Trade Act of 1990 (7 U.S.C. 5843);

3 “(IV) genetic resource conserva-
4 tion centers;

5 “(V) land-grant colleges and uni-
6 versities (as defined in section 1404 of
7 the National Agricultural Research,
8 Extension, and Teaching Policy Act of
9 1977 (7 U.S.C. 3103));

10 “(VI) Hispanic-serving institu-
11 tions (as defined in section 502(a) of
12 the Higher Education Act of 1965 (20
13 U.S.C. 1101a(a)));

14 “(VII) Native American-serving
15 nontribal institutions (as defined in
16 section 371(c) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1067q(c)));

19 “(VIII) nongovernmental organi-
20 zations with interest or expertise in
21 public breeding; and

22 “(IX) public and private plant
23 and animal breeders, including small-
24 scale organic breeders;

1 “(vi) convene regular stakeholder lis-
 2 tening sessions to provide input on na-
 3 tional and regional priorities for public
 4 cultivar and animal breeding research ac-
 5 tivities across the Department; and

6 “(vii) evaluate and make rec-
 7 ommendations to the Under Secretary on
 8 training and resource needs to meet future
 9 breeding challenges.”; and

10 (2) in subsection (f)(1)(D)(i), by striking “(7
 11 U.S.C. 450i(b))” and inserting “(7 U.S.C.
 12 3157(b))”.

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

20 **SEC. 4. IMPLEMENTATION OF NATIONAL STRATEGIC**
 21 **GERMPLASM AND CULTIVAR COLLECTION**
 22 **ASSESSMENT AND UTILIZATION PLAN.**

23 (a) IN GENERAL.—The Secretary of Agriculture (re-
 24 ferred to in this section as the “Secretary”) shall imple-
 25 ment the National Strategic Germplasm and Cultivar Col-

1 lection Assessment and Utilization Plan developed under
 2 section 1632(d)(6) of the Food, Agriculture, Conservation,
 3 and Trade Act of 1990 (7 U.S.C. 5841(d)(6)) (referred
 4 to in this section as the “Plan”).

5 (b) STAFF.—The Secretary shall retain or employ
 6 such staff as the Secretary determines necessary to imple-
 7 ment the Plan.

8 (c) REPORT.—The Secretary shall submit to Con-
 9 gress an annual report that includes the following:

10 (1) A description of the progress towards imple-
 11 mentation of the Plan.

12 (2) A description of the staff retained or em-
 13 ployed under subsection (b).

14 (3) Annual expenditures related to the imple-
 15 mentation of—

16 (A) the National Plant Germplasm Sys-
 17 tem; and

18 (B) the Plan.

19 (4) Data on the use of the National Plant
 20 Germplasm System, including—

21 (A) the number of germplasm requests
 22 submitted to the Agricultural Research Service
 23 Germplasm Resources Information Network;

24 (B) the sectors (such as private, public,
 25 corporation, or independent) of the entities that

1 submitted requests described in subparagraph
2 (A);

3 (C) the number of fulfilled requests de-
4 scribed in subparagraph (A), by crop and Agri-
5 cultural Research Service location; and

6 (D) the sectors described in subparagraph
7 (B) of the entities for which requests described
8 in subparagraph (A) were fulfilled.

9 **SEC. 5. DEVELOPMENT AND IMPLEMENTATION OF NA-**
10 **TIONAL STRATEGIC ANIMAL GERMPLASM**
11 **COLLECTION AND UTILIZATION PLAN.**

12 Section 1632 of the Food, Agriculture, Conservation,
13 and Trade Act of 1990 (7 U.S.C. 5841) is amended—

14 (1) in subsection (d)—

15 (A) in paragraph (6), by striking “and” at
16 the end;

17 (B) by redesignating paragraph (7) as
18 paragraph (8); and

19 (C) by inserting after paragraph (6) the
20 following:

21 “(7) subject to subsection (e), develop and im-
22 plement a national strategic animal germplasm col-
23 lection assessment and utilization plan that takes
24 into consideration the resources and research nec-
25 essary to address the significant backlog of charac-

1 terization and maintenance of existing accessions
 2 considered to be critical to preserve the viability of,
 3 and public access to, animal germplasm; and”; and
 4 (2) by adding at the end the following:

5 “(e) NATIONAL STRATEGIC ANIMAL GERMPLASM
 6 COLLECTION ASSESSMENT AND UTILIZATION PLAN RE-
 7 QUIREMENTS.—In developing and implementing the plan
 8 under subsection (d)(7), the Secretary shall—

9 “(1) engage broadly with the agricultural com-
 10 munity, including organic and agroecological pro-
 11 ducers and researchers and the general community,
 12 to prioritize traits and breeds for conservation; and

13 “(2) support data collection and documentation
 14 of traits relevant to a broad range of agricultural
 15 systems, including—

16 “(A) organic systems, such as forage-based
 17 growth;

18 “(B) mobility;

19 “(C) reproductive longevity;

20 “(D) natural disease resistance; and

21 “(E) animal behavior.”.

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