

116TH CONGRESS  
1ST SESSION

# H. R. 3916

To provide for a study on the protection of Native American seeds and traditional foods, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. LUJÁN (for himself, Mr. YOUNG, Mr. COLE, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for a study on the protection of Native American seeds and traditional foods, 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 “Native American Seeds  
5 Protection Act of 2019”.

1 **SEC. 2. STUDY ON THE PROTECTION OF NATIVE AMERICAN**  
2 **SEEDS AND TRADITIONAL FOODS.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Comptroller General of the United States  
5 shall conduct a study on—

6 (1) the extent to which seeds and foods that  
7 mimic Native American seeds or traditional foods  
8 are available in the commercial marketplace and are  
9 fraudulently identified as authentic Native American  
10 seeds or traditional foods, as of the date of enact-  
11 ment of this Act;

12 (2) the availability and long-term viability of  
13 Native American seeds, including an analysis of the  
14 storage, cultivation, harvesting, and commercializa-  
15 tion of such seeds;

16 (3) the extent to which Federal law, Federal  
17 programs, or Federal oversight protect Native Amer-  
18 ican seeds and traditional foods from infringement,  
19 or unlawful or unauthorized commercialization; and

20 (4) the means by which authentic Native Amer-  
21 ican seeds and traditional foods might be protected  
22 to ensure preservation and availability for future  
23 generations.

24 **SEC. 3. CONFIDENTIALITY; FOIA; OWNERSHIP.**

25 (a) CONFIDENTIALITY.—The Comptroller General of  
26 the United States shall ensure the confidentiality of sen-

1 sitive information of Indian Tribes that is gained through  
2 the study conducted under section 2, including traditional  
3 cultural knowledge and information about locations that  
4 are considered to be sacred by an Indian Tribe.

5 (b) FOIA NOT APPLICABLE.—The information de-  
6 scribed in subsection (a) shall be exempt from public dis-  
7 closure under section 552 of title 5, United States Code  
8 (commonly known as the “Freedom of Information Act”).

9 (c) INDIAN OWNERSHIP.—Nothing in this Act shall  
10 be construed as interfering with, limiting, or otherwise af-  
11 fecting the exclusive ownership and control of Native  
12 American seeds by an Indian Tribe unless the Indian  
13 Tribe consents to the ownership or control of such seeds  
14 by another entity.

15 **SEC. 4. DEFINITION OF INDIAN TRIBE.**

16 In this Act, the term “Indian Tribe” has the meaning  
17 given the term “Indian tribe” (without regard to capital-  
18 ization) in section 4 of the Indian Self-Determination and  
19 Education Assistance Act (25 U.S.C. 5304).

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