

116TH CONGRESS  
1ST SESSION

# S. 2241

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 SENATE OF THE UNITED STATES

JULY 23, 2019

Mr. HEINRICH (for himself and Ms. MCSALLY) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

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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”.

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

8       Not later than 1 year after the date of enactment  
9       of this Act, the Comptroller General of the United States  
10      shall conduct a study on—

1           (1) the extent to which seeds and foods that  
2           mimic Native American seeds or traditional foods  
3           are available in the commercial marketplace and are  
4           fraudulently identified as authentic Native American  
5           seeds or traditional foods, as of the date of enact-  
6           ment of this Act;

7           (2) the availability and long-term viability of  
8           Native American seeds, including an analysis of the  
9           storage, cultivation, harvesting, and commercializa-  
10          tion of such seeds;

11          (3) the extent to which Federal law, Federal  
12          programs, or Federal oversight protect Native Amer-  
13          ican seeds and traditional foods from infringement,  
14          or unlawful or unauthorized commercialization; and

15          (4) the means by which authentic Native Amer-  
16          ican seeds and traditional foods might be protected  
17          to ensure preservation and availability for future  
18          generations.

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

20          (a) CONFIDENTIALITY.—The Comptroller General of  
21          the United States shall ensure the confidentiality of sen-  
22          sitive information of Indian Tribes that is gained through  
23          the study conducted under section 2, including traditional  
24          cultural knowledge and information about locations that  
25          are considered to be sacred by an Indian Tribe.

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

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

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

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

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