

Fees of NPGS genetic resources?

- The 1990 Farm Bill in 7 USC 5841 established the National Genetic Resources Program. 7 USC 5841 Section 1632(d) (4) stipulates: “(4) Unless otherwise prohibited by law, [the Secretary of Agriculture shall] have the right to make available upon request, **without charge** and without regard to the country from which such request originates, the genetic material which the program assembles.”
- Following Senate ratification, on 13 March 2017, the United States became a Party to the United Nations Food and Agriculture Organization’s International Treaty on Plant Genetic Resources for Food and Agriculture. Therefore, this Treaty now has the force of law in the U. S. Treaty Article 12.3.b states that “Access [to plant germplasm] shall be accorded expeditiously, without the need to track individual accessions and **free of charge or, when a fee is charged, it shall not exceed the minimal cost involved.**” The U. S. government position, during Treaty negotiations and subsequently, has been that “minimal cost” is limited to shipping and handling expenses.
- Furthermore, **there is no real potential for significant generation of revenues or positive budgetary impact** for charging user fees for germplasm. Fees collected for handling and shipping germplasm would not offset the much more costly expenses of germplasm maintenance (field operations, disease and viability testing, processing of harvested fruits, seeds, etc.). Furthermore, the potential costs of administering a fee-based system--relative to any income received---and the effects on NPGS management priorities caused by the need to generate income from fees would also be considerable.