



ASSOCIATION OF
PUBLIC &
LAND-GRANT
UNIVERSITIES



February 07, 2025

The Honorable Manjit Misra
National Institute of Food and Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Director Misra,

On behalf of our organizations with memberships consisting of public and private research universities, including the nation's land-grant institutions and technology transfer offices, we write in response to the U.S. Department of Agriculture's (USDA) October 8th, 2024 announcement on "Research Access to Germplasm Developed with Federal Funds".¹

There is significant concern within the higher education community that this announcement connotes USDA and the National Institute of Food and Agriculture's (NIFA) intent to mandate unfettered access to germplasm developed, in whole or in part, with USDA funding. If this is the Department's intent, it would be an unprecedented bypass of the Bayh-Dole Act. Such access would undoubtedly lead to USDA-funded research being underutilized because it would chill the economic incentives for the private sector to license and commercialize university agricultural innovations. Our organizations fully support public access efforts that widely disseminate research results when appropriate. However, as USDA is aware, the successful transfer of innovation is highly dependent on the particulars of each situation, rendering a "one-size-fits-all" approach impractical.

Academic technology transfer professionals, in consultation with inventors, are best suited to evaluate the disposition of intellectual property and to determine the best mode(s) to transfer the technology for the greatest potential societal benefit. Such efforts may include sharing germplasm with collaborators and other third parties under a material transfer arrangement. If USDA were to require funding recipients to adopt intellectual property protection strategies, licensing practices, and a material transfer regime that prioritizes access to germplasm over all other considerations, then it would be doing so to the detriment of current research and its potential impact in the marketplace.

Recognizing the announcement was released under the Biden Administration, we urge the Department in the Trump Administration to maintain its current practice and remain

¹ [*Transparency of intellectual property sharing for federally-funded researchers](#)

consistent with the Bayh-Dole Act. We respectfully request the Department clarify that its announcement only reaffirms USDA's support of the dissemination of research results, including germplasm, in a manner that respects the intellectual property rights of the owners while endeavoring to ensure diligent commercial development of those results. Please do not hesitate to reach out to the organization contacts listed below to the extent we can be a helpful resource.

Thank you for your consideration.

Sincerely,

Association of Public and Land-grant Universities

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