

109TH CONGRESS
1ST SESSION

H. R. 1256

To amend the Animal Health Protection Act to exempt certain animal identification information from disclosure under the Freedom of Information Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Government Reform, 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

A BILL

To amend the Animal Health Protection Act to exempt certain animal identification information from disclosure under the Freedom of Information Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXEMPTION OF CERTAIN ANIMAL IDENTIFICA-**
2 **TION INFORMATION FROM DISCLOSURE**
3 **UNDER THE FREEDOM OF INFORMATION**
4 **ACT.**

5 The Animal Health Protection Act is amended by in-
6 serting after section 10409 (7 U.S.C. 8308) the following
7 new section:

8 **“SEC. 10409A. EXEMPTION OF CERTAIN ANIMAL IDENTI-**
9 **FICATION INFORMATION FROM DISCLOSURE**
10 **UNDER THE FREEDOM OF INFORMATION**
11 **ACT.**

12 “(a) RELEASE OF ANIMAL IDENTIFICATION NUM-
13 BERING INFORMATION EXEMPT FROM DISCLOSURE
14 UNDER FREEDOM OF INFORMATION ACT.—Information
15 obtained through a livestock identification system is ex-
16 empt from disclosure under section 552 of title 5, United
17 States Code.

18 “(b) CHARACTER OF LIVESTOCK IDENTIFICATION
19 SYSTEM INFORMATION.—Except as provided in sub-
20 sections (c) and (d), information obtained through a live-
21 stock identification system—

22 “(1) may not be released;

23 “(2) shall not be considered information in the
24 public domain; and

25 “(3) shall be considered commercial information
26 that is privileged and confidential.

1 “(c) LIMITED RELEASE OF INFORMATION AUTHOR-
2 IZED.—Notwithstanding subsection (b), the Secretary of
3 Agriculture may release information obtained through a
4 livestock identification system regarding particular live-
5 stock if—

6 “(1) the information involves livestock threat-
7 ened by disease or pest;

8 “(2) the release of the information is related to
9 actions the Secretary may take under this subtitle;
10 and

11 “(3) the person obtaining the information needs
12 the information for reasons consistent with the pub-
13 lic health and public safety purposes of the livestock
14 identification system, as determined by the Sec-
15 retary.

16 “(d) LIMITED RELEASE OF INFORMATION RE-
17 QUIRED.—Notwithstanding subsection (b), the Secretary
18 of Agriculture shall release information obtained through
19 a livestock identification system regarding particular live-
20 stock—

21 “(1) to the person who owns or controls the
22 livestock, if the person requests such information;

23 “(2) to the Attorney General for the purpose of
24 law enforcement;

1 “(3) to the Secretary of Homeland Security for
2 the purpose of national security;

3 “(4) to a court of competent jurisdiction; and

4 “(5) to the government of a foreign country, if
5 release of the information is necessary to trace live-
6 stock threatened by disease or pest, as determined
7 by the Secretary.

8 “(e) CONFLICT OF LAW.—If the information disclo-
9 sure limitations or requirements of this section conflict
10 with information disclosure limitations or requirements of
11 a State law—

12 “(1) this section shall take precedence over the
13 State law, if the conflict involves interstate or inter-
14 national commerce; and

15 “(2) the State law shall take precedence over
16 this section, if the conflict involves intrastate com-
17 merce in that State.

18 “(f) LIVESTOCK IDENTIFICATION SYSTEM DE-
19 FINED.—In this section, the term ‘livestock identification
20 system’ means any system of identifying livestock devel-
21 oped by the Secretary of Agriculture.”.

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