

109TH CONGRESS  
2D SESSION

# S. 3862

To amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7 (legislative day, SEPTEMBER 6), 2006

Mr. TALENT introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system.

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. PROHIBITION ON MANDATORY ANIMAL IDENTI-**  
 2 **FICATION PROGRAM.**

3 Section 10409 of the Animal Health Protection Act  
 4 (7 U.S.C. 8308) is amended by adding at the end the fol-  
 5 lowing:

6 “(c) PROHIBITION ON MANDATORY ANIMAL IDENTI-  
 7 FICATION PROGRAM.—Notwithstanding any other provi-  
 8 sion of law, the Secretary shall not implement or carry  
 9 out, and no Federal funds shall be used to implement or  
 10 carry out, a National Animal Identification System, or  
 11 similar requirement, that mandates the participation of  
 12 livestock owners.”.

13 **SEC. 2. PROTECTION OF INFORMATION IN A VOLUNTARY**  
 14 **ANIMAL IDENTIFICATION SYSTEM.**

15 Section 10409 of the Animal Health Protection Act  
 16 (7 U.S.C. 8308) (as amended by section 1) is amended  
 17 by adding at the end the following:

18 “(d) PROTECTION OF INFORMATION IN A VOL-  
 19 UNTARY ANIMAL IDENTIFICATION SYSTEM.—

20 “(1) DEFINITION OF ANIMAL IDENTIFICATION  
 21 SYSTEM.—In this subsection, the term ‘animal iden-  
 22 tification system’ means a voluntary system for iden-  
 23 tifying or tracing animals that is established by the  
 24 Secretary.

25 “(2) PROTECTION FROM DISCLOSURE.—

1           “(A) IN GENERAL.—Information obtained  
2 through the animal identification system shall  
3 not be disclosed except as provided in this sub-  
4 section.

5           “(B) WAIVER OF PRIVILEGE OR PROTEC-  
6 TION.—The provision of information to the ani-  
7 mal identification system and the disclosure of  
8 information in accordance with this subsection  
9 shall not constitute a waiver of any applicable  
10 privilege or protection under Federal law, in-  
11 cluding trade secret protection.

12           “(3) LIMITED RELEASE OF INFORMATION.—  
13 The Secretary may disclose information obtained  
14 through the animal identification system if—

15           “(A) the Secretary determines that live-  
16 stock may be threatened by a disease or pest;

17           “(B) the release of the information is re-  
18 lated to actions the Secretary is authorized to  
19 take under this subtitle; and

20           “(C) the Secretary determines that the dis-  
21 closure of the information to a government enti-  
22 ty or person is necessary to assist the Secretary  
23 in carrying out the purposes of—

24           “(i) this subtitle; and

25           “(ii) the animal identification system.

1           “(4) MANDATORY DISCLOSURE OF INFORMA-  
2           TION.—The Secretary shall disclose information ob-  
3           tained through the animal identification system re-  
4           garding particular animals to—

5                   “(A) the person who owns or controls the  
6           animals, if the person requests the information  
7           in writing;

8                   “(B) the Attorney General for the purpose  
9           of law enforcement;

10                  “(C) the Secretary of Homeland Security  
11           for the purpose of homeland security;

12                  “(D) the Secretary of Health and Human  
13           Services for the purpose of protecting the public  
14           health;

15                  “(E) an entity pursuant to an order of a  
16           court of competent jurisdiction; and

17                  “(F) the government of a foreign country  
18           if disclosure of the information is necessary to  
19           trace animals that pose a disease or pest threat  
20           to livestock or a danger to human health, as de-  
21           termined by the Secretary.

22           “(5) PROHIBITION ON DISCLOSURE UNDER  
23           STATE OR LOCAL LAW.—Any information relating to  
24           animal identification that a State or local govern-  
25           ment obtains from the Secretary shall not be made

1       available by the State or local government pursuant  
2       to State or local law requiring disclosure of informa-  
3       tion or records to the public.”.

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