

108TH CONGRESS  
2D SESSION

# H. R. 3787

To amend the Animal Health Protection Act to require the establishment of an electronic nationwide livestock identification system, to prevent the unauthorized release of information collected under the system, to promote an objective review of Department of Agriculture responses to livestock disease outbreaks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2004

Mr. PETERSON of Minnesota (for himself, Mr. WALSH, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Mr. KANJORSKI, Mr. ROSS, Mr. McHUGH, Mr. REHBERG, Mr. FRANK of Massachusetts, Mr. DAVIS of Tennessee, and Mr. SABO) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Animal Health Protection Act to require the establishment of an electronic nationwide livestock identification system, to prevent the unauthorized release of information collected under the system, to promote an objective review of Department of Agriculture responses to livestock disease outbreaks, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Farm Animal  
3 Identification and Records Act”.

4 **SEC. 2. NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM.**

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. NATIONWIDE LIVESTOCK IDENTIFICATION**  
9 **SYSTEM.**

10       “(a) **SYSTEM REQUIRED.**—Not later than 90 days  
11 after the date of the enactment of the National Farm Ani-  
12 mal Identification and Records Act, the Secretary shall es-  
13 tablish an electronic nationwide livestock identification  
14 system to require the identification of livestock to enhance  
15 the speed and accuracy of the response of the Department  
16 of Agriculture to outbreaks of disease in livestock. Because  
17 livestock diseases are not constrained by State boundaries,  
18 the livestock identification system shall apply to all live-  
19 stock born in the United States or imported and cover the  
20 movement of livestock in both interstate commerce and  
21 intrastate commerce.

22       “(b) **CAPABILITIES.**—The livestock identification sys-  
23 tem shall be capable of tracing, within 48 hours, livestock  
24 from birth to slaughter.

25       “(c) **PARTICIPATION BY STATES.**—The Secretary  
26 shall use the authority provided by section 10411(a) to

1 cooperate with States to secure information for inclusion  
2 in the livestock identification system. Subject to subsection  
3 (f), the Secretary shall provide States with access to the  
4 livestock identification system.

5 “(d) USE OF EXISTING TECHNOLOGY.—The Sec-  
6 retary may use technology developed by private entities  
7 before the date of the enactment of the National Farm  
8 Animal Identification and Records Act to operate the live-  
9 stock identification system.

10 “(e) FINANCIAL ASSISTANCE.—To the extent funds  
11 are made available pursuant to subsection (g) to carry out  
12 this subsection, the Secretary shall provide financial as-  
13 sistance to producers to assist the producers in complying  
14 with the requirements of the livestock identification sys-  
15 tem. In providing such assistance, the Secretary shall en-  
16 sure that producers with smaller livestock operations are  
17 not placed at a financial disadvantage in complying with  
18 such requirements.

19 “(f) RELEASE OF ANIMAL IDENTIFICATION NUM-  
20 BERING INFORMATION.—

21 “(1) FREEDOM OF INFORMATION ACT.—Infor-  
22 mation obtained through the livestock identification  
23 system is exempt from disclosure under section 552  
24 of title 5, United States Code.

1           “(2) CHARACTER OF LIVESTOCK IDENTIFICA-  
2           TION SYSTEM INFORMATION.—Except as provided in  
3           paragraphs (3) and (4), information obtained  
4           through the livestock identification system—

5                   “(A) may not be released;

6                   “(B) shall not be considered information in  
7           the public domain; and

8                   “(C) shall be considered commercial infor-  
9           mation that is privileged and confidential.

10           “(3) LIMITED RELEASE OF INFORMATION AU-  
11           THORIZED.—Notwithstanding paragraph (2), the  
12           Secretary may release information obtained through  
13           the livestock identification system regarding par-  
14           ticular livestock if—

15                   “(A) the information involves livestock  
16           threatened by disease or pest;

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

20                   “(C) the person obtaining the information  
21           needs the information for reasons consistent  
22           with the public health and public safety pur-  
23           poses of the livestock identification system, as  
24           determined by the Secretary.

1           “(4) LIMITED RELEASE OF INFORMATION RE-  
2           QUIRED.—Notwithstanding paragraph (2), the Sec-  
3           retary shall release information obtained through the  
4           livestock identification system regarding particular  
5           livestock—

6                   “(A) to the person who owns or controls  
7           the livestock, if the person requests such infor-  
8           mation;

9                   “(B) to the Attorney General for the pur-  
10          pose of law enforcement;

11                  “(C) to the Secretary of Homeland Secu-  
12          rity for the purpose of national security;

13                  “(D) to a court of competent jurisdiction;  
14          and

15                  “(E) to the government of a foreign coun-  
16          try, if release of the information is necessary to  
17          trace livestock threatened by disease or pest, as  
18          determined by the Secretary.

19           “(5) CONFLICT OF LAW.—If the information  
20          disclosure limitations or requirements of this sub-  
21          section conflict with information disclosure limita-  
22          tions or requirements of a State law—

23                   “(A) this subsection shall take precedence  
24          over the State law, if the conflict involves inter-  
25          state or international commerce; and

1                   “(B) the State law shall take precedence  
 2                   over this subsection, if the conflict involves  
 3                   intrastate commerce in that State.

4                   “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 is authorized to be appropriated to the Secretary  
 6 \$175,000,000 to carry out this section.”.

7 **SEC. 3. REVIEW OF DEPARTMENT OF AGRICULTURE RE-**  
 8 **SPONSES TO OUTBREAKS OF DISEASE IN**  
 9 **LIVESTOCK.**

10           Section 10411 of the Animal Health Protection Act  
 11 (7 U.S.C. 8310) is amended by adding at the end the fol-  
 12 lowing new subsection:

13           “(f) REVIEW OF RESPONSES TO OUTBREAKS OF DIS-  
 14 EASE.—The Secretary may appoint an international panel  
 15 of scientific experts to provide an objective review of a re-  
 16 sponse by the Department of Agriculture to an outbreak  
 17 of disease in livestock and to identify areas for improve-  
 18 ments in such responses.”.

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