

108TH CONGRESS
2D SESSION

H. R. 4005

To exempt certain animal identification information from disclosure under the Freedom of Information Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mr. PETERSON of Minnesota (for himself, Mr. REHBERG, Mr. TOM DAVIS of Virginia, and Mr. KANJORSKI) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Agriculture, 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 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,*

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

7 (a) RELEASE OF ANIMAL IDENTIFICATION NUM-
8 BERING INFORMATION EXEMPT FROM DISCLOSURE

1 UNDER FREEDOM OF INFORMATION ACT.—Information
2 obtained through the livestock identification system is ex-
3 empt from disclosure under section 552 of title 5, United
4 States Code.

5 (b) CHARACTER OF LIVESTOCK IDENTIFICATION
6 SYSTEM INFORMATION.—Except as provided in sub-
7 sections (c) and (d), information obtained through the
8 livestock identification system—

9 (1) may not be released;

10 (2) shall not be considered information in the
11 public domain; and

12 (3) shall be considered commercial information
13 that is privileged and confidential.

14 (c) LIMITED RELEASE OF INFORMATION AUTHOR-
15 IZED.—Notwithstanding subsection (b), the Secretary of
16 Agriculture may release information obtained through the
17 livestock identification system regarding particular live-
18 stock if—

19 (1) the information involves livestock threatened
20 by disease or pest;

21 (2) the release of the information is related to
22 actions the Secretary may take under this subtitle;
23 and

24 (3) the person obtaining the information needs
25 the information for reasons consistent with the pub-

1 lic health and public safety purposes of the livestock
2 identification system, as determined by the Sec-
3 retary.

4 (d) LIMITED RELEASE OF INFORMATION RE-
5 QUIRED.—Notwithstanding subsection (b), the Secretary
6 of Agriculture shall release information obtained through
7 the livestock identification system regarding particular
8 livestock—

9 (1) to the person who owns or controls the live-
10 stock, if the person requests such information;

11 (2) to the Attorney General for the purpose of
12 law enforcement;

13 (3) to the Secretary of Homeland Security for
14 the purpose of national security;

15 (4) to a court of competent jurisdiction; and

16 (5) to the government of a foreign country, if
17 release of the information is necessary to trace live-
18 stock threatened by disease or pest, as determined
19 by the Secretary.

20 (e) CONFLICT OF LAW.—If the information disclo-
21 sure limitations or requirements of this section conflict
22 with information disclosure limitations or requirements of
23 a State law—

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

4 (2) the State law shall take precedence over this
5 section, if the conflict involves intrastate commerce
6 in that State.

7 (f) LIVESTOCK IDENTIFICATION SYSTEM DE-
8 FINED.—In this section, the term “livestock identification
9 system” means any system of identifying livestock devel-
10 oped by the Secretary of Agriculture.

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