

Farm Bill as approved by full Senate

Strike Section 10305 of Livestock title and replace with this section:

(a) Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations consistent with the Freedom of Information Act, 5 U.S.C. 552, et seq., regarding the disclosure of information submitted by farmers and ranchers who participate in the National Animal Identification System. The regulations promulgated, which shall be subject to a public comment period before finalizing, should address the protection of trade secrets and other proprietary and/or confidential business information that farmers and ranchers disclose in the course of participation in National Animal Identification System.

Farm Bill as approved by Agriculture Committee

SEC. 10305. PROTECTION OF INFORMATION IN THE ANIMAL IDENTIFICATION SYSTEM.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended--

- (1) by redesignating sections 10416 through 10418 as sections 10417 through 10419, respectively; and
- (2) by inserting after section 10415 the following:

SEC. 10416. DISCLOSURE OF INFORMATION UNDER A NATIONAL ANIMAL IDENTIFICATION SYSTEM.

(a) Definition of National Animal Identification System- In this section, the term 'national animal identification system' means a system for identifying or tracing animals that is established by the Secretary.

(b) Protection From Disclosure-

(1) IN GENERAL- Information obtained through a national animal identification system shall not be disclosed except as provided in this section.

(2) USE- Use of information described in paragraph (1) by any individual or entity except as otherwise provided in this section shall be considered a violation of this Act.

(3) WAIVER OF PRIVILEGE OF PROTECTION- The provision of information to a national animal identification system under this section or the disclosure of information pursuant to this section shall not constitute a waiver of any applicable privilege or protection under Federal law, including protection of trade secrets.

(c) Limited Release of Information- The Secretary may disclose information obtained through a national animal identification system if--

- `(1) the Secretary determines that livestock may be threatened by a disease or pest;
 - `(2) the release of the information is related to an action the Secretary may take under this subtitle; and
 - `(3) the Secretary determines that the disclosure of the information to a government entity or person is necessary to assist the Secretary in carrying out this subtitle or a national animal identification system.
- `(d) Required Disclosure of Information- The Secretary shall disclose information obtained through a national animal identification system regarding particular animals to--
- `(1) the person that owns or controls the animals, if the person requests the information in writing;
 - `(2) the State Department of Agriculture for the purpose of protection of animal health;
 - `(3) the Attorney General for the purpose of law enforcement;
 - `(4) the Secretary of Homeland Security for the purpose of homeland security;
 - `(5) the Secretary of Health and Human Services for the purpose of protecting public health;
 - `(6) an entity pursuant to an order of a court of competent jurisdiction; and
 - `(7) the government of a foreign country if disclosure of the information is necessary to trace animals that pose a disease or pest threat to livestock or a danger to human health, as determined by the Secretary.
- `(e) Disclosure Under State or Local Law- Any information relating to animal identification that a State or local government obtains from the Secretary shall not be made available by the State or local government pursuant to any State or local law requiring disclosure of information or records to the public.
- `(f) Reporting Requirement- To disclose information under this section, the Secretary shall--
- `(1) certify that the disclosure was necessary under this section; and
 - `(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the certification.'