

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3170

To establish a Livestock Identification Board to create and implement a mandatory national livestock identification system.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To establish a Livestock Identification Board to create and implement a mandatory national livestock identification system.

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. SHORT TITLE.**

4       This Act may be cited as the “Livestock Identifica-  
5       tion and Marketing Opportunities Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) For purposes of animal health investigation  
9       and surveillance, there needs to be an identification  
10       system that can trace animals from the time of first

1 movement of the animal from its original premise to  
2 the time of slaughter of the animal in less than 48  
3 hours.

4 (2) The beef industry estimates that the United  
5 States cattle industry lost approximately  
6 \$3,000,000,000 in export value on beef, beef variety  
7 meats, hides, and tallow during the 12 months since  
8 a December 2003 diagnosis in the United States of  
9 bovine spongiform encephalopathy. A livestock iden-  
10 tification system may have prevented some of this  
11 loss.

12 (3) In order to be as efficient as possible, the  
13 livestock identification system needs to be automated  
14 and electronic with participants using compatible  
15 technologies.

16 (4) The livestock identification system needs to  
17 be flexible enough to adapt to changes in technology  
18 and to the demands of the industry and the markets.

19 (5) The best technology available should be  
20 used for the livestock identification system while still  
21 allowing for registration into the system for livestock  
22 owners who are economically disadvantaged.

23 (6) Confidentiality of information on animal  
24 movements, sales, and ownership is necessary to en-  
25 sure that livestock owners have the confidence to

1 comply with and fully participate in the livestock  
2 identification system.

3 (7) Besides animal disease surveillance, the live-  
4 stock identification system should provide a commer-  
5 cial information exchange infrastructure that would  
6 allow for enhanced marketing opportunities.

7 **SEC. 3. LIVESTOCK IDENTIFICATION BOARD.**

8 (a) ESTABLISHMENT.—There is established a board  
9 to be known as the “Livestock Identification Board”.

10 (b) DUTIES.—The duties of the Board shall be to—

11 (1) establish and maintain an electronic live-  
12 stock identification system that—

13 (A) is capable of tracing all livestock in the  
14 United States from the time of first movement  
15 of the livestock from its original premise to the  
16 time of slaughter of such livestock in less than  
17 48 hours;

18 (B) tracks all relevant information about  
19 the livestock, including—

20 (i) the livestock identification number  
21 or the group or lot identification number  
22 for the livestock, as applicable;

23 (ii) the date the livestock identifica-  
24 tion number or the group or lot identifica-  
25 tion number was assigned;

1 (iii) the premise identification num-  
2 ber;

3 (iv) the species of the livestock;

4 (v) the date of birth of the livestock,  
5 to the extent possible;

6 (vi) the sex of the livestock;

7 (vii) any other information the Board  
8 considers appropriate for animal disease  
9 surveillance; and

10 (viii) any other information that the  
11 person who owns or controls the livestock  
12 voluntarily submits to the Board;

13 (2) maintain information obtained through the  
14 livestock identification system in a centralized data  
15 system; and

16 (3) determine the official identification tech-  
17 nology to be used to track animals under the live-  
18 stock identification system.

19 (c) POWERS.—The Board may—

20 (1) prescribe and collect fees to recover the  
21 costs of the livestock identification system; and

22 (2) establish and maintain a grant program to  
23 assist persons with fulfilling the requirements of the  
24 livestock identification system.

25 (d) MEMBERSHIP.—

1           (1) VOTING MEMBERS.—The Board shall be  
2           composed of 7 voting members appointed by the Sec-  
3           retary of Agriculture, in consultation with the Chair  
4           and ranking minority member of the relevant con-  
5           gressional committees, of whom—

6                   (A) 1 member shall be a representative of  
7                   cattle owners;

8                   (B) 1 member shall be a representative of  
9                   swine owners;

10                  (C) 1 member shall be a representative of  
11                  sheep and goat owners;

12                  (D) 1 member shall be a representative of  
13                  poultry owners;

14                  (E) 1 member shall be a representative of  
15                  livestock auction market operators;

16                  (F) 1 member shall be a representative of  
17                  meat processors; and

18                  (G) 1 member shall be a person actively  
19                  engaged in the livestock industry.

20           (2) NON-VOTING MEMBERS.—The Board shall  
21           include 2 non-voting members appointed by the Sec-  
22           retary, in consultation with the Chair and ranking  
23           minority member of the relevant congressional com-  
24           mittees, of whom—

1 (A) 1 member shall be a representative of  
2 the Department of Agriculture; and

3 (B) 1 member shall be a representative of  
4 State or tribal veterinarians or State or tribal  
5 agriculture agencies.

6 (3) TERMS.—

7 (A) IN GENERAL.—Each member shall be  
8 appointed for a term of 3 years, except as pro-  
9 vided by subparagraphs (B) and (C).

10 (B) TERMS OF INITIAL APPOINTEES.—As  
11 designated by the Secretary at the time of ap-  
12 pointment, of the voting members first ap-  
13 pointed—

14 (i) the members appointed under sub-  
15 paragraphs (B), (D), and (E) of paragraph  
16 (1) shall be appointed for a term of 2  
17 years; and

18 (ii) the members appointed under sub-  
19 paragraphs (C) and (G) of paragraph (1)  
20 shall be appointed for a term of 1 year.

21 (C) VACANCIES.—Any member appointed  
22 to fill a vacancy occurring before the expiration  
23 of the term for which the member's predecessor  
24 was appointed shall be appointed only for the  
25 remainder of that term. A member may serve

1 after the expiration of that member's term until  
2 a successor has taken office. A vacancy in the  
3 Board shall be filled in the manner in which the  
4 original appointment was made.

5 (4) CHAIRPERSON.—The Chairperson of the  
6 Board shall be elected by its members.

7 (5) APPOINTMENT.—The Secretary shall ap-  
8 point all members of the Board not later than 45  
9 days after the date of the enactment of this Act.

10 (e) MEETINGS.—

11 (1) INITIAL MEETING.—Not later than 60 days  
12 after the date of the enactment of this Act, the  
13 Board shall hold its initial meeting.

14 (2) SUBSEQUENT MEETINGS.—The Board shall  
15 meet at the call of the Chairperson.

16 (f) QUORUM.—4 voting members of the Board shall  
17 constitute a quorum.

18 (g) PAY.—Members of the Board shall serve without  
19 compensation.

20 (h) TRAVEL EXPENSES.—Each member of the Board  
21 shall receive travel expenses, including per diem in lieu  
22 of subsistence, in accordance with applicable provisions  
23 under subchapter I of chapter 57 of title 5, United States  
24 Code.

1 (i) STAFF.—The Board may appoint and fix the pay  
2 of personnel as the Board considers appropriate.

3 (j) CONTRACTS.—The Board may contract with or  
4 compensate any persons for goods or services.

5 (k) RULES AND REGULATIONS.—The Board may  
6 issue such rules and regulations as may be necessary to  
7 carry out this Act.

8 (l) IMPLEMENTATION.—

9 (1) IN GENERAL.—The Board shall implement  
10 the livestock identification system established pursu-  
11 ant to this section not later than December 31,  
12 2008.

13 (2) REPORT.—Not later than one year after the  
14 date of the enactment of this Act, and quarterly  
15 thereafter until December 31, 2010, the Board shall  
16 submit to the Secretary of Agriculture and the rel-  
17 evant congressional committees a report on the sta-  
18 tus of the implementation of the livestock identifica-  
19 tion system, including—

20 (A) for each species subject to the system,  
21 the number of animals or groups of animals  
22 tracked by the system; and

23 (B) the percentage of each animal species  
24 subject to the livestock identification system  
25 that are tracked by the system, which shall be

1           determined by dividing the number submitted  
2           under subparagraph (A) for a species by the  
3           total number of animals of such species in the  
4           United States.

5 **SEC. 4. PREMISE IDENTIFICATIONS.**

6           Not later than nine months after the date of the en-  
7           actment of this Act, the Secretary of Agriculture shall es-  
8           tablish a premise identification system for all premises in  
9           the United States. The premise identification data shall  
10          be made available to the Board and shall include—

11                 (1) a premise identification number;

12                 (2) the name of the entity that owns or controls  
13          the premise;

14                 (3) contact information for the premise, includ-  
15          ing a person, address, and phone number;

16                 (4) the type of operation at the premise; and

17                 (5) the date the premise number was assigned.

18 **SEC. 5. ENFORCEMENT; FIRST ENTRY INTO COMMERCE.**

19          Subject to section 6(b), the Secretary of Agriculture  
20          shall verify that each animal, or group of animals, where  
21          applicable, subject to the livestock identification system es-  
22          tablished pursuant to section 3 is properly identified upon  
23          first entry of the animal into commerce. Any animal or  
24          group of animals that the Secretary determines is not

1 properly identified shall be identified using the official  
2 identification technology before entering commerce.

3 **SEC. 6. VOLUNTARY PARTICIPATION FOR OTHER ANIMAL**  
4 **SPECIES.**

5 (a) IN GENERAL.—The owner of an animal or group  
6 of animals, where applicable, that is not subject to the live-  
7 stock identification system established pursuant to section  
8 3 may voluntarily subject such animal or group of animals  
9 to tracking by such livestock identification system.

10 (b) ENFORCEMENT EXEMPTION.—The voluntary  
11 tracking of such animal or group of animals shall not  
12 make the animal or group of animals subject to the en-  
13 forcement actions of the Secretary under section 5.

14 **SEC. 7. RELEASE OF LIVESTOCK IDENTIFICATION NUM-**  
15 **BERING INFORMATION.**

16 (a) FREEDOM OF INFORMATION ACT.—Information  
17 obtained through the livestock identification system estab-  
18 lished pursuant to section 3 or the premise identification  
19 system established pursuant to section 4 is exempt from  
20 disclosure under section 552 of title 5, United States  
21 Code.

22 (b) CHARACTER OF LIVESTOCK IDENTIFICATION  
23 SYSTEM INFORMATION.—Except as provided in sub-  
24 sections (c) and (d), information obtained through the

1 livestock identification system or the premise identification  
2 system—

3 (1) may not be released;

4 (2) shall not be considered information in the  
5 public domain; and

6 (3) shall be considered commercial information  
7 that is privileged and confidential.

8 (c) LIMITED RELEASE OF INFORMATION AUTHOR-  
9 IZED.—Notwithstanding subsection (b), the Board may  
10 release information obtained through the livestock identi-  
11 fication system or the premise identification system (other  
12 than information voluntarily submitted pursuant to sec-  
13 tion 3(b)(1)(B)(viii)) regarding particular livestock if—

14 (1) a disease or pest poses a significant threat  
15 to the livestock that the information involves;

16 (2) the release of the information is related to  
17 actions the Board may take under this Act; and

18 (3) the person obtaining the information needs  
19 the information for reasons consistent with the pub-  
20 lic health and public safety purposes of the livestock  
21 identification system, as determined by the Secretary  
22 of Agriculture.

23 (d) LIMITED RELEASE OF INFORMATION RE-  
24 QUIRED.—

1           (1) IN GENERAL.—Notwithstanding subsection  
2           (b), the Board shall promptly release information  
3           obtained through the livestock identification system  
4           or the premise identification system (other than in-  
5           formation voluntarily submitted pursuant to section  
6           3(b)(1)(B)(viii)) regarding particular livestock—

7                   (A) to the person who owns or controls the  
8                   livestock, if the person requests such informa-  
9                   tion;

10                   (B) to the Secretary of Agriculture for the  
11                   purpose of animal disease surveillance;

12                   (C) to a State or tribal veterinarian or a  
13                   State or tribal agriculture agency for the pur-  
14                   pose of animal disease surveillance;

15                   (D) to the Attorney General for the pur-  
16                   pose of investigation or prosecution of a crimi-  
17                   nal act;

18                   (E) to the Secretary of Homeland Security  
19                   for the purpose of national security;

20                   (F) to the Secretary of Health and Human  
21                   Services for the purpose of protection of public  
22                   health; and

23                   (G) to the government of a foreign coun-  
24                   try, if release of the information is necessary to

1 trace livestock threatened by disease or pest, as  
2 determined by the Secretary.

3 (2) INFORMATION VOLUNTARILY SUBMITTED.—

4 Notwithstanding subsection (b), on the request of a  
5 person who owns or controls livestock, the Board  
6 shall release information voluntarily submitted to the  
7 Board pursuant to section 3(b)(1)(B)(viii) regarding  
8 such livestock to such person or to another person.

9 (e) CONFLICT OF LAW.—If the information disclo-  
10 sure limitations or requirements of this section conflict  
11 with information disclosure limitations or requirements of  
12 a State law and such conflict involves interstate or inter-  
13 national commerce, this section shall take precedence over  
14 the State law.

15 **SEC. 8. REPORT ON IMPACT OF LIVESTOCK IDENTIFICA-**  
16 **TION SYSTEM.**

17 Not later than 180 days after the date of the enact-  
18 ment of this Act, the Secretary of Agriculture shall submit  
19 to the Committees on Appropriations of the House of Rep-  
20 resentatives and the Senate, the Committee on Agriculture  
21 of the House of Representatives, and the Committee on  
22 Agriculture, Nutrition, and Forestry of the Senate a re-  
23 port on a livestock identification system, including—

1           (1) the lessons learned and the effectiveness of  
2 the animal identification system pilot programs  
3 funded in fiscal year 2005;

4           (2) an analysis of the economic impact of a live-  
5 stock identification system on the livestock industry;  
6 and

7           (3) the expected cost of implementing a live-  
8 stock identification system.

9 **SEC. 9. CONFORMING AMENDMENTS.**

10         Subsection (f) of section 282 of the Agricultural Mar-  
11 keting Act of 1946 (7 U.S.C. 1638a) is amended—

12           (1) by striking “CERTIFICATION OF ORIGIN.—  
13 ” and all that follows through “To certify the coun-  
14 try of origin” and inserting “CERTIFICATION OF OR-  
15 IGIN; EXISTING CERTIFICATION PROGRAMS.—To  
16 certify the country of origin”; and

17           (2) by redesignating subparagraphs (A) through  
18 (E) as paragraphs (1) through (5), respectively.

19 **SEC. 10. DEFINITIONS.**

20         In this Act:

21           (1) The term “Board” means the Livestock  
22 Identification Board established under section 3(a).

23           (2) The term “livestock” means cattle, swine,  
24 sheep, goats, and poultry.

1           (3) The term “premise” means a location that  
2 holds, manages, or boards animals.

3           (4) The term “relevant congressional commit-  
4 tees” means the Committee on Agriculture of the  
5 House of Representatives and the Committee on Ag-  
6 riculture, Nutrition, and Forestry of the Senate.

7           (5) The term “Secretary” means the Secretary  
8 of Agriculture.

9 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

10          There is authorized to be appropriated to carry out  
11 this Act \$33,000,000 for each of fiscal years 2006 through  
12 2008.

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