AMENDMENT

OFFERED BY MR. SPACE OF OHIO

At the end of section 106, add the following:

1 (d) CONFIDENTIALITY; PROHIBITION OF DISCLO-
2 SURE.—
3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law, the Secretary of Health and
5 Human Services, any officer or employee of the De-
6 partment of Health and Human Services, or any
7 contractor or cooperator of the Department, shall
8 not disclose to the public under section 552 of title
9 5, United States Code, any records collected or de-
10 veloped under this section or the amendments made
11 by this section if those records are provided by a
12 United States person engaged in the production of
13 agricultural products (including the production and
14 marketing of agricultural commodities and live-
15 stock).
16 (2) AUTHORIZED DISCLOSURES.—
17 (A) LIMITED DISCLOSURE OF INFORMA-
18 TION.—The Secretary may provide a limited re-
19 lease of information to—

1 (i) a Federal, State, local, foreign gov-
2 ernment, or tribal agency working in co-
3 operation with the Secretary if—
4 (I) the release is necessary to ad-
5 dress a public health concern raised
6 by a misbranding, adulteration, or
7 other action in violation of the Fed-
8 eral Food, Drug, and Cosmetic Act;
9 and
10 (II) the person who owns or con-
11 trols the agricultural products pro-
12 vides a written consent;
13 (ii) the Attorney General of the
14 United States, for purposes of prosecuting
15 a criminal act;
16 (iii) the Secretary of Homeland Secu-
17 rity for national security purposes; or
18 (iv) the Secretary of Agriculture, for
19 purposes of addressing a animal disease
20 threat.
21 (B) WAIVER OF PRIVILEGE OR PROTEC-
22 TION.—Nothing in this section shall constitute
23 a waiver of any applicable privilege or protec-
24 tion under Federal law, including but not lim-
25 ited to, trade secret protections.

1 (3) CONFIDENTIALITY.—The Secretary shall
2 take all appropriate measures to ensure that infor-
3 mation obtained under this section (or amendments
4 made by this section) and disclosed under paragraph
5 (1) is maintained in a manner ensuring confiden-
6 tiality of the data submitted under this section (or
7 amendments made by this section).
8 (4) DISCLOSURE UNDER STATE, LOCAL OR
9 TRIBAL LAW.—Information made available pursuant
10 to paragraph (2)(A) shall—
11 (A) not be made available pursuant to any
12 State, tribal, or local law requiring disclosure of
13 information or records; and
14 (B) shall not otherwise be disclosed or dis-
15 tributed to any party by a State, tribal, or local
16 government or government agency without the
17 written consent of the person or entity submit-
18 ting such information.