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About the National Animal Identification System (NAIS)
Part 14: The NAIS is a “Federal-State-Industry Partnership”

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According to the USDA’s 76-page “*NAIS User Guide*” published on November 22, 2006, the NAIS is now called a “partnership” – upon closer inspection, actually a series of partnerships – where governmental authority commingles with the “industry”. What, exactly, does the USDA mean by “industry”? The small producer that sells to local customers? A 4-H club? Someone who likes to compete with his horse in barrel races, or go on trail rides? A sheep farmer who sells his clip to a fiber mill in another state? A family dairy that produces quality milk for local consumption? A multi-state corporation with slaughter facilities across the country? A tag or chip maker expecting to sell millions of NAIS-IDs every year? A provider of NAIS-related database services?

With a little digging, we can glean a pretty good answer to the above questions. In its prospectus for FY2007, the USDA offered \$14.4 Million in funds for a new round of “*Cooperative Agreements for Implementation of the National Animal Identification System (NAIS)*”. This prospectus, published on November 22, 2006, the same day the new “*NAIS User Guide*” came out, evidences the agency’s shift in priorities, from the previous focus on premises registration to the implementation of an “*animal movement infrastructure*”. Who will be the “players” in this field, the so-called “industry”? Here are some choice quotes from Page 6 of the prospectus:

“... Eligible entities or cooperators for receiving animal movement infrastructure support will be limited to livestock markets and dealers. ...”

“... States will be responsible for selecting cooperating livestock markets and dealers in their State and coordinating support, including documentation of performance for required reports. ...”

“... States will determine whether use of the Federal funds would be best distributed to as many markets and dealers as possible, or to optimally assist a targeted few, basing the decision on achieving the greatest impact for NAIS implementation within the State. Markets and dealers would also cover the cost of any retrofitting of their facilities that may be required to accommodate the automated data capture equipment. ...”

“... Participating livestock markets and dealers must be actively promoting NAIS premises registration efforts and their success in acquiring premises registration results must be documented by the State in the proposed work plan and quarterly and final reports. ...”

While the foregoing is just a sampling of what the USDA euphemistically calls “stakeholders”, these are the ones that stand to gain the most from something as far-reaching and all-embracing as the NAIS. Therefore, I can safely conclude that when it comes to this so-called “industry”, the USDA is not referring to you, or me, it refers to those special interests that have lobbied the USDA for many years to mandate systems such as the NAIS. Do you believe, even for a moment, that this “industry” will implement this “*animal movement infrastructure*” for free? I don’t think so – in the final analysis, all those NAIS-related expenses will be passed on either to the producer or the consumer.

Who else stands to benefit from this “partnership”? The States, or Tribes? Before answering that question, let us look on Page 7 of the prospectus:

“... The work plan must describe how the collection of official animal identification numbers, and premises identification numbers (PINs) consistent with appropriate State/Federal animal health forms, will be

accurately and electronically recorded, reported, and transferred to an appropriate federal database, depending upon the specific program. Documenting the amount of data accurately collected and reported to the appropriate federal animal disease program database must be one of the measurable outcomes described in the work plan. ...”

“... and include the amount of data transferred to federal animal health databases as a measurable outcome. The clear intent must be to enhance the accurate collection and transfer of cooperative State/Federal animal health program information to Federal animal health databases. ...”

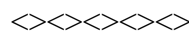
As you read the above, keep in mind that this prospectus talks about the “startup” phase of the NAIS, a period during which a brand new infrastructure and never-before experienced level of surveillance is being put in place. Once this is in place, and the “*cooperative funding*” is used up, what role will be left for the States, or Tribes? Will they continue to receive Federal subsidies to keep the NAIS going, or is there something else that would motivate the States, or Tribes, to remain in this partnership? Of course, there is: the States, or Tribes, (including their component and local jurisdictions, i.e. your Sheriff’s department), gain round-the-clock access to all kinds of surveillance and intelligence information that has been “warehoused” – often without your knowledge or consent – at the Federal level ... decades worth of satellite pictures, all kinds of “registration” information including whatever personal, financial and background information the Federal government has “data-mined” about you, your farm, land, animals and operation.

Last but not least, what is easily overlooked is the far-reaching effect this kind of Federal “*cooperative funding*” has upon the States, or Tribes, and the ultimate consequences brought on by the very “*Cooperative Agreements*” – the complete subjugation of people, property, and jurisdictions to Federal rule of law and regulation. How is this possible, you might ask? The key to understanding this is Form SF-424B, “ASSURANCES – NON-CONSTRUCTION PROGRAMS” (OMB Approval No. 0348-0040). This form, a MANDATORY attachment that must accompany EACH AND EVERY application for a cooperative agreement, lists 18 specific terms and conditions the “cooperator” (read State, Tribe, public or private entity) must agree with and, by way of signing, “certify” said agreement.

What is so special about this form? 14 of this form’s 18 terms and conditions require the cooperator’s “voluntary” but full compliance with various Federal laws, such as the “Wild and Scenic Rivers Act of 1968”; the “National Historic Preservation Act of 1966”; the “Environmental Policy Act of 1969”; the “Coastal Zone Management Act of 1972”; the “Clean Air Act of 1955”; the “Safe Drinking Water Act of 1974”; to name a few ... What tops this list, though, is stated in Clause 18 of this form, and I quote:

“18. [The cooperator] Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.”

Now that you know this, you should no longer be surprised why your State, Tribe, regional and local authorities / jurisdictions increasingly have begun to march to the Federal drum beat. Next to having discovered (and then exposed) the purely contractual nature of the NAIS, I believe that this is a new and stunning realization: that by way of a contractual agreements the public (generally) doesn’t even know exists, Federal laws, executive orders, regulations and policies are being dictated to our State’s agencies, regional and local jurisdictions.



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