

110TH CONGRESS
1ST SESSION

S. 1930

To amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2007

Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Ms. SNOWE, Mr. FEINGOLD, Mr. BIDEN, Mr. DODD, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

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 “Combat Illegal Log-
5 ging Act of 2007”.

6 **SEC. 2. PREVENTION OF ILLEGAL LOGGING PRACTICES.**

7 The Lacey Act Amendments of 1981 are amended—

8 (1) in section 2 (16 U.S.C. 3371)—

1 (A) by striking subsection (f) and inserting
2 the following:

3 “(f) PLANT.—

4 “(1) IN GENERAL.—The term ‘plant’ means
5 any wild member of the plant kingdom, including
6 roots, seeds, parts, and products thereof.

7 “(2) EXCLUSIONS.—The term ‘plant’ excludes
8 any common food crop or cultivar that is a species
9 not listed—

10 “(A) in the Convention on International
11 Trade in Endangered Species of Wild Fauna
12 and Flora, done at Washington on March 3,
13 1973 (27 UST 1087; TIAS 8249); or

14 “(B) as an endangered or threatened spe-
15 cies under the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.)”;

17 (B) in subsection (h), by inserting “also”
18 after “plants the term”; and

19 (C) by striking subsection (j) and inserting
20 the following:

21 “(j) TAKE.—The term ‘take’ means—

22 “(1) to capture, kill, or collect; and

23 “(2) with respect to a plant, also to harvest,
24 cut, log, or remove.”;

25 (2) in section 3 (16 U.S.C. 3372)—

1 (A) in subsection (a)—

2 (i) in paragraph (2), by striking sub-
3 paragraph (B) and inserting the following:

4 “(B) any plant—

5 “(i) taken, transported, possessed, or
6 sold in violation of any foreign law or any
7 law or regulation of any State that pro-
8 tects plants or that regulates—

9 “(I) the theft of plants;

10 “(II) the taking of plants from a
11 park, forest reserve, or other officially
12 protected area;

13 “(III) the taking of plants from
14 an officially designated area; or

15 “(IV) the taking of plants with-
16 out, or contrary to, required author-
17 ization;

18 “(ii) taken, transported, or exported
19 without the payment of appropriate royal-
20 ties, taxes, or stumpage fees required by
21 any foreign law or by any law or regulation
22 of any State; or

23 “(iii) exported or transshipped in vio-
24 lation of any limitation under any foreign

1 law or by any law or regulation of any
2 State; or”; and

3 (ii) in paragraph (3), by striking sub-
4 paragraph (B) and inserting the following:
5 “(B) to possess any plant—

6 “(i) taken, transported, possessed, or
7 sold in violation of any foreign law or any
8 law or regulation of any State that pro-
9 tects plants or that regulates—

10 “(I) the theft of plants;

11 “(II) the taking of plants from a
12 park, forest reserve, or other officially
13 protected area;

14 “(III) the taking of plants from
15 an officially designated area; or

16 “(IV) the taking of plants with-
17 out, or contrary to, required author-
18 ization;

19 “(ii) taken, transported, or exported
20 without the payment of appropriate royal-
21 ties, taxes, or stumpage fees required by
22 any foreign law or by any law or regulation
23 of any State; or

24 “(iii) exported or transshipped in vio-
25 lation of any limitation under any foreign

1 law or by any law or regulation of any
2 State; or”;

3 (B) by adding at the end the following:

4 “(f) PLANT DECLARATIONS.—

5 “(1) IN GENERAL.—Effective 180 days from
6 the date of enactment of this subsection, it shall be
7 unlawful for any person to import any plant unless
8 the person files upon importation where clearance is
9 requested a declaration that contains—

10 “(A) the scientific name of any plant (in-
11 cluding the genus and species of the plant) con-
12 tained in the importation;

13 “(B) a description of—

14 “(i) the value of the importation; and

15 “(ii) the quantity, including the unit
16 of measure, of the plant; and

17 “(C) the name of the country from which
18 the plant was taken.

19 “(2) DECLARATION RELATING TO PLANT PROD-
20 UCTS.—Until the date on which the Secretary pro-
21 mulgates a regulation under paragraph (5), a dec-
22 laration relating to a plant product shall—

23 “(A) in the case in which the species of
24 plant used to produce the plant product that is
25 the subject of the importation varies, and the

1 species used to produce the plant product is un-
2 known, contain the name of each species of
3 plant that may have been used to produce the
4 plant product; and

5 “(B) in the case in which the species of
6 plant used to produce the plant product that is
7 the subject of the importation is commonly
8 taken from more than 1 country, and the coun-
9 try from which the plant was taken and used to
10 produce the plant product is unknown, contain
11 the name of each country from which the plant
12 may have been taken.

13 “(3) REVIEW.—Not later than 2 years after the
14 date of enactment of this subsection, the Secretary
15 shall review the implementation of each requirement
16 described in paragraphs (1) and (2).

17 “(4) REPORT.—

18 “(A) IN GENERAL.—Not later than 180
19 days after the date on which the Secretary com-
20 pletes the review under paragraph (3), the Sec-
21 retary shall submit to the appropriate commit-
22 tees of Congress a report containing—

23 “(i) an evaluation of—

24 “(I) the effectiveness of each type
25 of information required under para-

1 graphs (1) and (2) in assisting en-
2 forcement of section 3; and

3 “**(II)** the potential to harmonize
4 each requirement described in para-
5 graphs (1) and (2) with other applica-
6 ble import regulations in existence as
7 of the date of the report;

8 “(ii) recommendations for such legis-
9 lation as the Secretary determines to be
10 appropriate to assist in the identification
11 of plants that are imported into the United
12 States in violation of section 3; and

13 “(iii) an analysis of the effect of the
14 provisions of subsection (a) and (f) on—

15 “(I) the cost of legal plant im-
16 ports; and

17 “(II) the extent and methodology
18 of illegal logging practices and traf-
19 ficking.

20 “(B) **PUBLIC PARTICIPATION.**—In con-
21 ducting the review under paragraph (3), the
22 Secretary shall provide public notice and an op-
23 portunity for comment.

24 “(5) **PROMULGATION OF REGULATIONS.**—Not
25 later than 180 days after the date on which the Sec-

1 retary completes the review under paragraph (3), the
2 Secretary may promulgate regulations—

3 “(A) to limit the applicability of any re-
4 quirement described in paragraph (2) to specific
5 plant products; and

6 “(B) to make any other necessary modi-
7 fication to any requirement described in para-
8 graph (2), as determined by the Secretary
9 based on the review under paragraph (3).”; and
10 (3) in section 7(a)(1) (16 U.S.C. 3376(a)(1)),
11 by striking “section 4” and inserting “section 3(f),
12 section 4,”.

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