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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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Combat Illegal Logging Act of 2007'.

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

The Lacey Act Amendments of 1981 are amended--

(1) in section 2 (16 U.S.C. 3371)--

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

`(f) Plant-

`(1) IN GENERAL- The term `plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

`(2) EXCLUSIONS- The term `plant' excludes any common food crop or cultivar that is a species not listed--

`(A) in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST

1087; TIAS 8249); or

` (B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).';

(B) in subsection (h), by inserting `also' after `plants the term'; and

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

` (j) Take- The term `take' means--

` (1) to capture, kill, or collect; and

` (2) with respect to a plant, also to harvest, cut, log, or remove.';

(2) in section 3 (16 U.S.C. 3372)--

(A) in subsection (a)--

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

` (B) any plant--

` (i) taken, transported, possessed, or sold in violation of any foreign law or any law or regulation of any State that protects plants or that regulates--

` (I) the theft of plants;

` (II) the taking of plants from a park, forest reserve, or other officially protected area;

` (III) the taking of plants from an officially designated area; or

` (IV) the taking of plants without, or contrary to, required authorization;

` (ii) taken, transported, or exported without the payment of appropriate royalties, taxes, or stumpage fees required by any foreign law or by any law or regulation of any State; or

` (iii) exported or transshipped in violation of any limitation under any foreign law or by any law or regulation of any State; or'; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

` (B) to possess any plant--

` (i) taken, transported, possessed, or sold in violation of any foreign law or any law or regulation of any State that protects plants or that regulates--

- ˘ (I) the theft of plants;
  - ˘ (II) the taking of plants from a park, forest reserve, or other officially protected area;
  - ˘ (III) the taking of plants from an officially designated area; or
  - ˘ (IV) the taking of plants without, or contrary to, required authorization;
- ˘ (ii) taken, transported, or exported without the payment of appropriate royalties, taxes, or stumpage fees required by any foreign law or by any law or regulation of any State; or
  - ˘ (iii) exported or transshipped in violation of any limitation under any foreign law or by any law or regulation of any State; or'; and

(B) by adding at the end the following:

˘ (f) Plant Declarations-

˘ (1) IN GENERAL- Effective 180 days from the date of enactment of this subsection, it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains--

˘ (A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

˘ (B) a description of--

˘ (i) the value of the importation; and

˘ (ii) the quantity, including the unit of measure, of the plant; and

˘ (C) the name of the country from which the plant was taken.

˘ (2) DECLARATION RELATING TO PLANT PRODUCTS- Until the date on which the Secretary promulgates a regulation under paragraph (5), a declaration relating to a plant product shall--

˘ (A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

˘ (B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of

each country from which the plant may have been taken.

` (3) REVIEW- Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

` (4) REPORT-

` (A) IN GENERAL- Not later than 180 days after the date on which the Secretary completes the review under paragraph (3), the Secretary shall submit to the appropriate committees of Congress a report containing--

` (i) an evaluation of--

` (I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

` (II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

` (ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

` (iii) an analysis of the effect of the provisions of subsection (a) and (f) on--

` (I) the cost of legal plant imports; and

` (II) the extent and methodology of illegal logging practices and trafficking.

` (B) PUBLIC PARTICIPATION- In conducting the review under paragraph (3), the Secretary shall provide public notice and an opportunity for comment.

` (5) PROMULGATION OF REGULATIONS- Not later than 180 days after the date on which the Secretary completes the review under paragraph (3), the Secretary may promulgate regulations--

` (A) to limit the applicability of any requirement described in paragraph (2) to specific plant products; and

` (B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (3).'; and

(3) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking `section 4' and inserting `section 3(f), section 4,'.

*END*

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