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Washington, DC 20515

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Opening Statement By
The Honorable John Fleming
Chairman, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
At the Legislative Hearing on H. R. 3210 and H. R. 4171
Tuesday, May 8, 2012

Good afternoon, today, the Subcommittee will conduct a legislative hearing on two bills that amend the Lacey Act. As a result of Amendments enacted in 2008, the impact of this law was significantly expanded to include for the first-time thousands of American companies that trade in wood and wood products.

The first bill, H. R. 3210, the Retailers and Entertainers Lacey Implementation and Enforcement Fairness Act or RELIEF Act was introduced by our distinguished colleague Congressman Jim Cooper of Tennessee. The purposes of this proposal are to exempt any plant or finished plant product imported or completed before May 22, 2008, to limit the Declaration requirement to solid wood and items imported only for commerce and provide an “innocent owner” defense to individuals under the Civil Assets Forfeiture Reform Act.

At the time of introduction, this legislation was endorsed by an impressive list of organizations including the National Association of Home Builders, the National Retail Federation, the International Wood Products Association, the National Association of Manufacturers, National Association of Music Merchants, National Audubon Society, the National Federation of Independent Business, National Marine Manufacturers Association and the U. S. Chamber of Commerce.

The second bill we will hear is the Freedom From Over-Criminalization and Unjust Seizures Act as introduced by Senator Rand Paul of Kentucky and Congressman Paul Broun of Georgia. This bill would remove all references to foreign laws in the Lacey Act and it reduces the penalty provisions under the Act.

One of the organizations that support this legislation is the Heritage Foundation which recently stated in an article that “It is a federal offense to import fish, wildlife, or plants in violation of any foreign law. Such legislation violates one of the fundamental tenets of Anglo-American common law: that ‘men of common intelligence’ must be able to understand what a law means. No one should be forced to run the risk of conviction and imprisonment for making a mistake under a foreign law.”

The rushed changes in 2008 made for imperfect outcomes that need to be addressed. This is the purpose of a Congressional hearing. What is disappointing is that the same environmental organizations that don't want even a comma changed in this law have consistently opposed any logging in this country. Today, we will hear reasons why changes may be needed to address the legal jeopardy that Americans may face as a direct result of the 2008 Amendments.

During this hearing, I am interested in learning what is the cost and value of the Declaration requirement, why all suspected Lacey Act products are treated as contraband and why in the case of the 2008 Amendments Americans must comply with the thousands of foreign laws, some of which may have little, if anything, to do with the protection, conservation and management of plants.

I now recognize the Ranking Minority Member for any statement he would like to make at this time.