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Opening Statement of
Chairman John Fleming
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
On Thursday May, 16, 2013

1324 Longworth House Office Building Subcommittee Oversight Hearing on the 2008 Lacey Act Amendments

Good morning, Today, I am holding what I hope will be the first in a series of hearings on various provisions of the Lacey Act. It is appropriate to start this oversight by closely examining the most significant and some would say contentious changes to this Act in almost forty years.

The expansion of the Lacey Act to include all plant and plant products was signed into law on May 22, 2008. The full House was never given the opportunity to debate or amend the 2008 Lacey Act Amendments. The language was added in the Senate as a floor amendment to the 700-page 2008 Farm Bill. These provisions are costing millions of dollars in compliance costs and subjecting Americans to literally thousands of foreign laws, regulations and decrees.

It is now five years later and it is time to examine whether this law has had its intended effect of reducing, if not stopping, the importation of illegally harvested timber and products made from such wood.

It is also time to ask what is the benefit of having U. S. importers and small businesses fill-out tens of thousands of Plant and Plant Product Declaration Forms at a cost of hundreds of millions of dollars, when these forms are not shared, have not been used to initiate a single investigation and not even being reviewed. There must a better way to collect this information in a more effective manner.

On Panel 1, we have representatives from the Animal and Plant Health Inspection Service and the Fish and Wildlife Service. I am interested in finding out the status of the Section 8204 Report on the cost of legal plant imports and the extent of illegal logging and trafficking, which was to be submitted to the Congress no later than November 22, 2010; whether the agencies plan to issue regulations affecting products; manufactured prior to

May 22, 2008 or containing a “de minimis” amount of Lacey Act products and whether there are any ongoing efforts to establish and maintain a database of foreign laws.

On Panel 2, I am looking for specific evidence -- not anecdotal examples, hearsay comments or rumors -- but proof that these amendments have stopped or at least reduced the amount of illegal wood entering the international market. In addition, I would like to find out about alternative information collection methods besides the declaration form which may be more cost effective; whether the federal government should be required to establish and maintain a comprehensive list of foreign laws; what problems are created by an innocent owner defense; and what changes this Congress consider to the 2008 Amendments.

At this time, I am happy to welcome back to the Subcommittee, the Ranking Minority Member from the Commonwealth of the Northern Mariana Islands, Congressman Sablan for any opening statement he would like to make.