



(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 7157

To amend the Lacey Act Amendments of 1981 to ensure fair enforcement
of such Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUARTE introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Lacey Act Amendments of 1981 to ensure
fair enforcement of such Act.

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 “Strengthen Wood
5 Product Supply Chains Act”.

6 **SEC. 2. FAIR ENFORCEMENT OF LACEY ACT AMENDMENTS**
7 **OF 1981.**

8 Section 6 of the Lacey Act Amendments of 1981 (16
9 U.S.C. 3375) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) MERCHANDISE DETAINED FOR INSPECTION.—

6 “(1) IN GENERAL.—If a person authorized
7 under subsection (a) to enforce this Act detains mer-
8 chandise under this section, the Secretary shall, not
9 later than 5 days after the date on which such de-
10 tention is initiated—

11 “(A) issue to the importer of such detained
12 merchandise a notice of detention; or

13 “(B) release to such importer the detained
14 merchandise.

15 “(2) NOTICE OF DETENTION.—A notice of de-
16 tention described in paragraph (1)(A) shall include
17 the following:

18 “(A) A statement of the initiation of the
19 detention, including the date on which the de-
20 tained merchandise was detained for inspection.

21 “(B) A specific reason for the detention.

22 “(C) The anticipated length of the deten-
23 tion.

1 “(D) A description of the tests or inquiries
2 the Secretary will conduct with regard to the
3 detained merchandise.

4 “(E) A description of information, if any,
5 that, if supplied to the Secretary, may accel-
6 erate the disposition of the detention.

7 “(3) TRANSPORTATION OF DETAINED MER-
8 CHANDISE TO OTHER LOCATION.—Not later than 10
9 days after the date on which the Secretary issues a
10 notice of detention under paragraph (1) for detained
11 merchandise, the Secretary shall allow the importer
12 of such detained merchandise to transport such de-
13 tained merchandise to a location that is not under
14 the control of the United States if—

15 “(A) the importer—

16 “(i) requests the transfer;

17 “(ii) pays all demurrage and storage
18 fees associated with the detained merchan-
19 dise; and

20 “(iii) provides a bond for removal
21 from the custody of the United States; and

22 “(B) the Secretary determines that such
23 transportation will not frustrate the intent of
24 this Act.

1 “(4) REPLICATION OF TESTS.—If the Secretary
2 conducts tests on detained merchandise, the Sec-
3 retary shall provide the importer of such detained
4 merchandise with—

5 “(A) the results of such tests; and

6 “(B) information sufficient for the im-
7 porter to replicate such tests.

8 “(5) RELEASE OR SEIZURE.—

9 “(A) IN GENERAL.—Not later than 30
10 days after the date on which merchandise is de-
11 tained for inspection under this section, the
12 Secretary shall—

13 “(i) release such detained merchan-
14 dise to the importer of such detained mer-
15 chandise; or

16 “(ii) seize such detained merchandise
17 and issue a notification to the importer of
18 such detained merchandise that such de-
19 tained merchandise has been seized.

20 “(B) FAILURE TO RELEASE OR SEIZE.—If
21 the Secretary fails to release or seize detained
22 merchandise under subparagraph (A) within the
23 time period described in that subparagraph,
24 such failure shall be deemed a seizure under
25 subparagraph (A)(ii).

1 “(6) ADMINISTRATIVE REVIEW.—

2 “(A) IN GENERAL.—An importer of de-
3 tained merchandise may submit to the Sec-
4 retary a request for administrative review of a
5 seizure or deemed seizure of such detained mer-
6 chandise under subparagraph (A)(ii) or (B) of
7 paragraph (5), respectively.

8 “(B) DISPOSITION OF REQUEST.—Not
9 later than 30 days after the date on which a re-
10 quest for administrative review is submitted by
11 an importer under subparagraph (A), the Sec-
12 retary shall—

13 “(i) release to such importer the de-
14 tained merchandise that is the subject of
15 such request; or

16 “(ii) affirm the seizure or deemed sei-
17 zure under subparagraph (A)(ii) or (B) of
18 paragraph (5), respectively, that is the
19 subject of such request.

20 “(C) ELIGIBILITY TO FILE CLAIM.—If the
21 Secretary, pursuant to a request for administra-
22 tive review submitted by an importer of de-
23 tained merchandise under subparagraph (A)—

1 “(i) affirms the seizure or deemed sei-
2 zure of such detained merchandise under
3 subparagraph (B)(ii); or

4 “(ii) fails to release or affirm the sei-
5 zure or deemed seizure of such detained
6 merchandise under clause (i) or (ii) of sub-
7 paragraph (B), respectively, within the
8 time period described in subparagraph (B);
9 the importer that submitted such request may
10 file a claim for relief in the appropriate district
11 court of the United States.

12 “(7) COURT PROCEEDINGS.—In a claim filed
13 under paragraph (6)(C)(ii), the court shall grant ap-
14 propriate relief to the importer of detained merchan-
15 dise that filed such claim, which may include an
16 order to release such detained merchandise to such
17 importer, unless the Secretary establishes by a pre-
18 ponderance of the evidence that an admissibility de-
19 cision with respect to such detained merchandise has
20 not been reached for good cause.

21 “(8) DEFINITIONS.—In this subsection:

22 “(A) DETAINED MERCHANDISE.—The
23 term ‘detained merchandise’ means merchan-
24 dise that is detained for inspection under this
25 section.

1 “(B) MERCHANDISE.—The term ‘merchan-
2 dise’ means any fish or wildlife or plant im-
3 ported for sale.”.