

118TH CONGRESS  
2D SESSION

# S. 3721

To prescribe requirements with respect to plants detained by the Secretary of the Interior on suspicion of a violation of the Lacey Act Amendments of 1981, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2024

Mr. RICKETTS (for himself, Mr. WICKER, and Mrs. BRITT) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To prescribe requirements with respect to plants detained by the Secretary of the Interior on suspicion of a violation of the Lacey Act Amendments of 1981, 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 “Strengthen Wood  
5 Products Supply Chain Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) **IMPORTER.**—The term “importer” means  
2 any person that seeks to import (as defined in sec-  
3 tion 2 of the Lacey Act (16 U.S.C. 3371)) plants.

4           (2) **LACEY ACT.**—The term “Lacey Act” means  
5 the Lacey Act Amendments of 1981 (16 U.S.C.  
6 3371 et seq.).

7           (3) **PLANT.**—The term “plant” has the mean-  
8 ing given the term in section 2 of the Lacey Act (16  
9 U.S.C. 3371).

10           (4) **SECRETARY.**—The term “Secretary” means  
11 the Secretary of the Interior, acting through the Di-  
12 rector of the United States Fish and Wildlife Serv-  
13 ice.

14 **SEC. 3. DETENTION OF PLANTS UNDER THE LACEY ACT.**

15           (a) **IN GENERAL.**—Notwithstanding any other provi-  
16 sion of law, not later than 5 days (excluding weekends and  
17 Federal holidays) after the date on which plants are pre-  
18 sented by the U.S. Customs and Border Protection to the  
19 Secretary for physical examination on suspicion of a viola-  
20 tion of the Lacey Act, the Secretary shall—

21                   (1) release the plants; or

22                   (2) issue to the importer a notice of detention  
23 in accordance with subsection (b).

1 (b) NOTICE OF DETENTION.—A notice of detention  
2 issued by the Secretary under subsection (a)(2) shall in-  
3 clude—

4 (1) the specific reasons for which the detention  
5 of the applicable plants was initiated, including the  
6 date on which the plants were presented to the Sec-  
7 retary for examination;

8 (2) the anticipated length of detention;

9 (3) the nature of the tests or inquiries to be  
10 conducted on the applicable plants;

11 (4) the nature of any information that, if sup-  
12 plied to the Secretary, would accelerate the disposi-  
13 tion of the detention; and

14 (5) a notice to inform the importer that the im-  
15 porter may apply to the Secretary and the U.S. Cus-  
16 toms and Border Protection to transport the plants  
17 under bond to be examined at a location other than  
18 a location under the control of the Secretary.

19 (c) ADMINISTRATIVE AND PHYSICAL INSPECTIONS.—  
20 If the Secretary conducts any tests of plants presented  
21 for physical examination under subsection (a) for ap-  
22 praisalment, classification, or other official purposes, the  
23 Secretary shall provide to the importer—

24 (1) the results of that testing;

1           (2) sufficient information about the testing con-  
2           ducted so that the importer has the ability to rep-  
3           licate the test; and

4           (3) any applicable accompanying documentation  
5           relating to that testing.

6           (d) TRANSPORT OF PLANTS.—Not later than 10 days  
7           after the date on which a notice of detention is issued to  
8           an importer by the Secretary under subsection (a)(2), the  
9           Secretary shall allow the applicable plants to be trans-  
10          ported outside the custody of the U.S. Customs and Bor-  
11          der Protection for purposes of storage if—

12           (1) the importer requests the transfer;

13           (2) the importer—

14           (A) pays any required demurrage and stor-  
15           age fees with respect to those plants;

16           (B) provides a bond for removal of the  
17           plants from facilities of the U.S. Customs and  
18           Border Protection; and

19           (C) complies with sections 151.7 through  
20           151.11 of title 19, Code of Federal Regulations  
21           (or successor regulations); and

22           (3) the intent of the Lacey Act would not be  
23           frustrated by moving the plants outside the control  
24           of the U.S. Customs and Border Protection, as de-  
25           termined by the Secretary.

1 (e) FINAL DETERMINATIONS.—

2 (1) IN GENERAL.—Not later than 30 days after  
3 the date on which plants are presented to the Sec-  
4 retary for examination under subsection (a), the  
5 Secretary shall make a final determination with re-  
6 spect to the admissibility of the detained plants.

7 (2) FAILURE TO MAKE FINAL DETERMINA-  
8 TION.—If the Secretary fails to make a final deter-  
9 mination with respect to detained plants in accord-  
10 ance with the timeline described in paragraph (1),  
11 the failure shall be treated as a decision by the Sec-  
12 retary to exclude the plants from entry or delivery,  
13 or a demand for redelivery to the custody of the  
14 U.S. Customs and Border Protection, under the cus-  
15 toms laws.

16 (3) PROTESTS.—

17 (A) IN GENERAL.—An importer may sub-  
18 mit to the Secretary a protest of the decision of  
19 the Secretary to exclude a plant pursuant to  
20 this subsection.

21 (B) DECISION BY SECRETARY.—Not later  
22 than 30 days after the date on which an im-  
23 porter submits a protest under subparagraph  
24 (A), the Secretary shall—

1 (i) allow the protest and release to the  
2 importer each plant subject to the protest;

3 or

4 (ii) deny the protest.

5 (C) COURT ACTION.—In accordance with  
6 part 12 of subchapter B of chapter I of title 50,  
7 Code of Federal Regulations (or successor regu-  
8 lations), an importer may petition a court of  
9 competent jurisdiction to seek an order with re-  
10 spect to plants—

11 (i) detained by the Secretary; or

12 (ii) excluded by the Secretary pursu-  
13 ant to this subsection.

14 (f) REGULATIONS.—Not later than 180 days after  
15 the date of enactment of this Act, the Secretary shall pro-  
16 mulgate regulations to carry out this section.

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