

Lacey Act “Critical,” Sobeck Tells Congress

Eileen Sobeck, the U.S. Department of the Interior’s Deputy Assistant Secretary for Fish and Wildlife and Parks, testified Tuesday before a U.S. House of Representatives subcommittee concerning two bills amending the Lacey Act – the Nation’s oldest and most wide-reaching wildlife and plant protection law.

At the May 7 legislative hearing conducted by the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs of the House Natural Resources Committee, Sobeck told lawmakers that the two bills “would significantly weaken the Lacey Act,” a law she defended as “absolutely critical” to U.S. efforts to prevent wildlife trafficking.

First passed in 1900, the Lacey Act makes it unlawful to import or sell in interstate commerce any fish, wildlife, or plants taken, possessed, transported, or sold in violation of Federal, State, foreign, or Native American tribal conservation laws. It allows the United States to help States, Tribes, and countries worldwide protect their natural resources by discouraging a U.S. market and U.S. demand for illegally sourced wildlife and plants.

Both bills under consideration at Tuesday’s hearing were introduced after widespread media coverage last fall of an ongoing U.S. Fish and Wildlife Service investigation of possible illegal wood importations from India and Madagascar by a transnational company based out of the United States. Amendments made to the Lacey Act in 2008 to combat illegal logging, which were widely supported by both conservation and industry groups, extended the law’s anti-trafficking prohibitions for the first time to plants and plant products illegally harvested and exported under foreign law, making such commodities illegal to import into the United States.

“H.R. 4171 is an extreme bill that would eviscerate a century of Congressional action to strengthen one of the most important wildlife laws in the world,” Sobeck said. “If passed, poachers, smugglers, and traffickers will gain the upper hand and our partners will lose critical federal support.”

Titled the “Freedom from Over-Criminalization and Unjust Seizures Act” or FOCUS, H.R. 4171 eliminates all criminal penalties from the Lacey Act, including those for traffickers who knowingly and deliberately profiteer in wildlife or plants acquired in violation of the laws of a State, Tribe, or other country.

“The elimination of potential for jail time, no matter the scope of the violation, would take the teeth out of the law,” Sobeck told the subcommittee.

The Deputy Assistant Secretary decried provisions that “would severely impair the capability of ...law enforcement officers,” who would no longer be able to obtain search warrants, inspect vehicles and containers for contraband, or make arrests under the Lacey Act.

H.R. 4171 also takes away the explicit statutory authority of Service law enforcement officers to carry firearms. “This is dangerous on many levels,” Sobeck testified. “These brave men and women regularly encounter armed and dangerous criminals while enforcing federal wildlife laws. Disarming them creates an unacceptable risk for the officers, their families, and the public.”

In her testimony, Sobeck also commented on a second law, H.R. 3210, the Retailers and Entertainers Lacey Implementation and Enforcement Fairness (RELIEF) Act, being considered by the Subcommittee, noting that “the Administration...has significant concerns” with its provisions. This bill would change several aspects of the 2008 plant amendments, including capping civil penalties for first offenses at only \$250, even in cases involving the importation of large quantities of illegally harvested timber.

“We believe it is premature to revisit the 2008 amendments and respectfully suggest that Congress wait to consider changes,” Sobeck told lawmakers.

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