



June 6, 2012

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth HOB
Washington, DC 20515

The Honorable Edward Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
1329 Longworth HOB
Washington, DC 20515

Dear Chairman Hastings and Ranking Member Markey:

In preparation to the committee markup scheduled for June 7, the National Retail Federation (NRF) is writing on behalf of our member companies in the U.S. retail industry to urge Members of the House Committee on Natural Resources to support H.R. 3210, the Retailers and Entertainers Lacey Implementation and Enforcement Fairness (RELIEF) Act, as modified by an en bloc amendment to be offered by Rep. John Fleming (R-LA).

As the world's largest retail trade association and the voice of retail worldwide, NRF represents retailers of all types and sizes, including chain restaurants and industry partners, from the United States and more than 45 countries abroad. Retailers operate more than 3.6 million U.S. establishments that support one in four U.S. jobs – 42 million working Americans. Contributing \$2.5 trillion to annual GDP, retail is a daily barometer for the nation's economy. NRF's Retail Means Jobs campaign emphasizes the economic importance of retail and encourages policymakers to support a Jobs, Innovation and Consumer Value Agenda aimed at boosting economic growth and job creation.

The retail industry strongly supports the objectives of the Lacey Act – to end illegal logging and harvesting of plants. As such, we would not support any proposal we felt would undermine or compromise those goals or effective enforcement against those who engage or are complicit in illegal harvesting of trees and plants.

At the same time, it has become clear that the current law has resulted in several unintended consequences, and needs to provide better clarity as to the legal responsibilities of those subject to the law, protections to companies that are working to comply with the law, and eliminate unnecessary costs and burdens on the enforcing agencies and American industry. The RELIEF Act, as amended, would effectively address these problems without compromising effective enforcement, by making four discrete and targeted reforms to the law:

1. Allow importers who can demonstrate they are exercising proper due diligence in their supply chains the right to petition a court for return of any seized property allegedly containing (through no fault or omission of their own) illegally harvested wood or plant material;

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2. Exempt wood and plant products harvested before 2008 – the effective date of the Lacey Act Amendments – due to the impossibility in most cases of determining the provenance of those products (such as antiques and used goods);
3. Limit the scope of applicable foreign laws and regulations to those directed at the preservation and conservation of trees and plants to provide companies clearer guidance as to their legal responsibilities; and
4. Limit the import declaration requirement to products containing solid wood because of the extreme difficulty, if not impossibility, of determining the genus, species and country of harvest of products containing wood and plant particulate material.

We are confident that these changes will provide incentives for better, more effective compliance and reduce unnecessary burdens on American retailers and other users and importers of wood and plant products. For the enforcing agencies, these changes will also lower unnecessary costs and burdens of administering the law and create better and more targeted enforcement.

We hope we can count on the support of every Member of the Committee for these sensible and modest changes. Please direct any questions or comments to NRF's Vice President and International Trade Counsel, Erik Autor, at autore@nrf.com or (202) 626-8104).

Sincerely,

A handwritten signature in black ink, appearing to read "David French". The signature is stylized and cursive.

David French
Sr. Vice President
Government Relations