



National Association of Home Builders

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Government Affairs

James W. Tobin III
Senior Vice President & Chief Lobbyist

June 6, 2012

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Edward Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Hastings and Ranking Member Markey:

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am writing to express NAHB's support of Representative Jim Cooper's H.R. 3210, the *Retailers and Entertainers Lacey Implementation and Enforcement Fairness Act* or "RELIEF Act", with the inclusion of the *en bloc* amendments offered by Congressman John Fleming, Chairman of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.

NAHB supports the goals of the Lacey Act and the prevention of trade in illegally harvested plant and plant products. At the same time, we commend the Natural Resources Committee for recognizing the essential need to make commonsense reforms to the century-old law and its subsequent amendments.

In updating the Lacey Act in 2008, Congress sought to protect honest business owners from overzealous government enforcement by including reference to the Civil Asset Forfeiture Reform Act. The U.S. Department of Justice, however, has virtually eliminated this important defense through a broad misinterpretation of the law. By deeming wood products that violate the Lacey Act "contraband," innocent companies are left without legal standing to challenge a regulatory taking in court. The result is that the entire supply chain dealing with imported wood products—including builders and consumers—are held personally liable to certify that the timber product did not come from plant material that was taken, transported, possessed or sold in violation of any foreign law.

For these reasons, it is of the utmost importance that honest business owners, including home builders, have the right to seek the return of goods acquired through the exercise of due care. NAHB is particularly pleased that the targeted, commonsense reforms included in H.R. 3210, with Rep. Fleming's *en bloc* amendments, will address these concerns.

NAHB strongly urges the committee to support H.R. 3210 and Rep. Fleming's *en bloc* amendments. We additionally express our sincere gratitude to Representatives Cooper and Fleming for their diligent efforts in addressing the unintended consequences of the 2008 Amendments to the Lacey Act.

We look forward to our continued collaboration as this legislation moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Tobin III". The signature is fluid and cursive, with a large initial "J" and "T".

James W. Tobin III