



U.S. Senator's Proposed Amendment to the Lacey Act

March 2, 2012

Many in the furniture industry have commented that, despite the Lacey Act's praiseworthy goal of discouraging illegal logging, the statute can be vague and overreaching. We're familiar with the Gibson Guitar case in which the company may be charged for allegedly violating the Act. In his Huffington Post [article](#) titled "*Repeal the Lacey Act? Hell No, Make it Stronger,*" Henry Juskiewicz, Chairman and CEO of Gibson, wrote that:

"The recent raid of Gibson, however, did not come about because the wood was illegally harvested. Rather, the U.S. government alleges that the wood was imported in violation of an Indian export restriction designed to keep wood finishing work in India. To make matters worse, although the Indian government certified that the wood was properly and legally exported under this law, the U.S. Fish and Wildlife Service substituted its own opinion and reinterpreted Indian law. Its analysis suggested that if Gibson would just finish its fingerboards using Indian labor rather than Tennessee craftsman, there would be no issue."

In response, earlier this month, [Sen. Rand Paul](#) introduced [legislation](#) to amend the Lacey Act to remove references to "foreign law" in the Act and to substitute civil penalties for the criminal penalties currently in the Act. We'll continue to monitor the proposal.

What are your views of the Lacey Act – is it proper in its present form, or is it in need of reevaluation. Feel free to comment below at [FT Blog](#), and if you have any questions regarding the Lacey Act and its procedures, email me a note at jcohen@ctswlaw.com.

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