



## Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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### **Witnesses: Americans Should NOT Be Forced under Lacey Act to Follow Foreign Laws in America**

**WASHINGTON, D.C.** – Today, the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held an [oversight hearing](#) on “Why should Americans have to comply with the laws of foreign nations?” The hearing examined the Lacey Act and how the law has been amended to force Americans to comply with tens of thousands of foreign statutes, regulations, resolutions, and decrees.

*“We are allowing our federal courts to send our constituents to overcrowded federal prisons for violating laws enacted not only by the British Parliament but also the National People’s Congress of the People’s Republic of China, the National Assembly of Venezuela and the National Congress of Honduras. This is truly madness...No one should be forced to run the risk of conviction and imprisonment for making a mistake under foreign law... It is one thing for an American living abroad to comply with the laws where they are living. It is quite another to convict one of our citizens living here for violating the laws of one of the 192 countries recognized by the United Nations. The Lacey Act demands that you know every law – civil and administrative as well as criminal – of every foreign land. This is simply wrong,” [said Subcommittee Chairman John Fleming \(LA-04\)](#).*

The Lacey Act was first enacted in 1900 to protect native flora and fauna by prohibiting the sale or transportation of wild animals or birds killed under violation of state law. Since its enactment, the Lacey Act has since been amended to include extensive expansion of the law to include all plants and plant products; a requirement to submit a declaration document for all imported plant products; and a requirement that Americans comply with not only domestic, state and tribal laws, but also thousands of foreign laws, regulations, resolutions and decrees dealing with forestry and plants, some of which are not even available in English.

Witnesses at the hearing offered sharp criticism of the Lacey Act that subjects Americans to criminal penalties if they fail to comply with the laws of foreign governments:

*“The Act unreasonably demands that a person who imports flora or fauna from a foreign nation know every law of every foreign country—in whatever form that law may take, in whatever language that law may be written, however obscure that law may be—on pain of criminal liability. That requirement is unreasonable as a matter*

*of criminal justice policy and impermissible as a matter of constitutional law.”*

- [\*\*Paul J. Larkin, JR. Senior Legal Research Fellow at the Heritage Foundation\*\*](#)

*“The Lacey Act needlessly subjects American citizens to criminal and civil jeopardy for ‘violations’ of an impossibly broad range of foreign laws, regulations and enactments. The statute’s broad and non-specific incorporation of foreign law is a prima facie threat to democratic principles; functionally inconsistent with core republican values and basic due process; and contrary to all prudential principles of government transparency and accountability.”* – [\*\*Reed Rubenstein, Institute of Legal Reform, U.S. Chamber of Commerce\*\*](#)

*“Congress is the body constituted under Article I of the Constitution to make laws, not the courts or foreign governments. If Congress intended to incorporate foreign laws and regulations, then fairness requires that the enforcement of those foreign laws under the Lacey Act be treated as they would be in the foreign country, namely, administratively or civilly rather than criminally as many foreign regulations so provide. The Lacey Act violates the Rule of Law and gives prosecutors too much enforcement power by incorporating ‘foreign law’ and unspecified ‘foreign regulations’ into the law’s reach, especially with respect to criminal prosecutions where an individual’s liberty is at stake.”* – [\*\*Paul D. Kamemar, ESQ, Legal Public Policy Advisor\*\*](#)

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