AMENDMENT TO RULES COMMITTEE PRINT

117–31

OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end the following:

DIVISION M—END PALM OIL DEFORESTATION

SEC. 120001. DEFINITIONS.

(a) In General.—In this division:

(1) Certifying Standard.—The term “certifying standard” means any accreditation for lawfully, ethically, and sustainably sourced palm oil offered by a nongovernmental organization.

(2) Palm Oil Product.—The term “palm oil product” means—

(A) any product containing ingredients, including palmolein and monocarboxylic fatty acids, derived from the plants African oil palm (Elaeis guineensis), American oil palm (Elaeis oleifera), babassu palm (Attalea speciosa), macauba palm (Acrocomia aculeata), maripa palm (Attalea maripa), or hybridized species derived therefrom;
(B) those food products derived from imported palm oil or any combination or portion thereof; or

(C) any other product prepared, in whole or in part from, or processed with, imported palm oil as the Secretary may specify.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) TAKING.—The term “taking” has the meaning given the term in section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371).

(b) PALM OIL NOT CONSIDERED COMMON CULTIVAR OR COMMON FOOD CROP.—The exclusions specified in section 2(f)(2)(A) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(f)(2)(A)) with respect to common cultivars and common food crops shall not apply with respect to palm oil.

SEC. 120002. SUSTAINABILITY CERTIFICATIONS FOR PALM OIL DEEMED SUFFICIENT AS IMPORT DECLARATIONS AND DUE DILIGENCE.

(a) IN GENERAL.—In the case of a palm oil product that meets the sustainability certification standards published under this section and for which documentation of meeting such standards is presented at the port of entry into the United States—
(1) such product shall not require an import declaration under section 3(f) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(f)); and

(2) such documentation shall be considered sufficient to demonstrate due care in the taking of such palm oil product under section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)).

(b) Certification Standards.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish on an internet website of the Department of Agriculture for public comment a preliminary list of nongovernmental certifying standards for sustainable palm oil.

(2) Considerations.—In publishing the list under paragraph (1), the Secretary shall—

(A) when considering whether to include a certifying standard on such list, prioritize certifying standards that promote—

(i) palm oil cultivation practices with decreased net greenhouse gas emissions;

(ii) human rights of palm oil agricultural workers;

(iii) human rights of the communities neighboring palm oil plantations; and
(iv) preventing deforestation or peatlands degradation; and

(B) consider including in such list the certifying standard sponsored by the Roundtable for Sustainable Palm Oil.

(3) EXCLUDED STANDARDS.—The Secretary may not include in the list under paragraph (1) any standard issued by a foreign government.

(4) FINALIZATION.—Not later than 90 days after the date on which the preliminary list of non-governmental certifying standards for sustainable palm oil under paragraph (1) is published, finalize the preliminary list.

(5) UPDATES.—The Secretary shall—

(A) review and update, as appropriate, the finalized list under paragraph (4) at least once every 5 years; and

(B) allow for public notice and a period for public comment with respect to any such updates.

(c) TEMPORARY CERTIFICATIONS.—In the case of palm oil products for which documentation of meeting the sustainability certification standards referred to in subsection (a) cannot be provided, the Secretary may grant the importers of such products temporary certifications
that may be presented at the port of entry into the United
States in lieu of such documentation for a period not to
exceed one year, subject to renewal (of such duration as
the Secretary may specify), if the Secretary publishes on
a public internet site of the Department of Agriculture,
and updates as necessary, a list of all such temporary cer-
tifications, including with respect to each such temporary
certification—

(1) a written statement outlining the reason for
granting the temporary certification;

(2) the date on which the temporary certifi-
cation expires;

(3) the terms by which the temporary certifi-
cation may be renewed, if applicable; and

(4) any supporting documents or information
considered by the Secretary in deciding to grant
such temporary certification.

SEC. 120003. LABELING OF IMPORTED PALM OIL PROD-
UCTS.

(a) FOOD LABELING.—Section 403 of the Federal
Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
ed by adding at the end the following:

“(z) If it is a food that contains ingredients derived
from imported palm oil, unless its labeling lists such ingre-
dients by the common or usual name of the ingredient,
including listing (parenthetically or otherwise) of all components of such ingredient.”.

(b) **COUNTRY OF ORIGIN LABELING.**—

(1) **USE IN FOOD.**—Section 281(1)(A) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638(1))(A) is amended—

(A) in clause (x), by striking “and” at the end;

(B) in clause (xi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xii) palm oil.”.

(2) **OTHER USES.**—Each head of a Federal agency which regulates products containing palm oil shall issue regulations—

(A) specifying that a person may not sell, or offer for sale in interstate commerce, imported palm oil products, or another product containing imported palm oil products, unless the packaging and labeling of such products that are not, by operation of the amendments made by paragraph (1), subject to section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a), specify the country of origin of such products; and
(B) providing for an exemption from the
requirement specified pursuant to subparagraph
(A) with respect to products containing im-
ported palm oil products if the amount of im-
ported palm oil in such product is de minimis
(as determined by the head of the Federal
agency involved).

SEC. 120004. UNITED STATES POLICY WITH RESPECT TO
PALM OIL CULTIVATION ABROAD.

(a) MORATORIUM.—No Federal funds may be obli-
gated, expended, or otherwise made available for the cul-
tivation or processing of palm oil abroad, unless the Sec-
retary of State certifies that—

(1) the program, project, or activity for which
such funds are made available will not—

(A) contribute to significant loss of native
species;

(B) disrupt or contaminate natural water
sources;

(C) reduce local food security;

(D) cause the forced displacement of local
people;

(E) contribute to deforestation;

(F) increase greenhouse gas emissions sub-
stantially;
(G) contribute to human trafficking, forced labor, or child labor; (H) enable wildlife trafficking; or (I) further bureaucratic corruption; and (2) the cultivation or processing is carried out in accordance with the sustainability certification standards specified pursuant to section 120002.

(b) CONGRESSIONAL INSTRUCTIONS TO THE EXECUTIVE.—The President should instruct the Secretary of the Treasury, acting as the Chairman of the National Advisory Council on International Monetary and Financial Policies, and the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to use the voice and vote of the United States to oppose new proposals for palm oil development loans, unless the development of palm oil is to be carried out in accordance with the sustainability certification standards specified pursuant to section 120002.

(c) CONSULTATION.—The Secretary of Agriculture shall consult and collaborate with the Secretary of State and the Administrator of the Agency for International Development in carrying out activities under this division relating to palm oil cultivation and development in other countries.
SEC. 120005. INELIGIBILITY FOR RENEWABLE FUEL STANDARD.

Except as provided by the Administrator of the Environmental Protection Agency, imported palm oil products shall not be treated as renewable fuel for purposes of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

SEC. 120006. EFFECT ON OTHER LAW.

Nothing in this division modifies, limits, or otherwise affects the application of, or obligation to comply with any other Federal law, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).