

AMENDMENT TO RULES COMMITTEE PRINT

117-31

OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end the following:

1 **DIVISION M—END PALM OIL**
2 **DEFORESTATION**

3 **SEC. 120001. DEFINITIONS.**

4 (a) IN GENERAL.—In this division:

5 (1) CERTIFYING STANDARD.—The term “certi-
6 fying standard” means any accreditation for law-
7 fully, ethically, and sustainably sourced palm oil of-
8 fered by a nongovernmental organization.

9 (2) PALM OIL PRODUCT.—The term “palm oil
10 product” means—

11 (A) any product containing ingredients, in-
12 cluding palmolein and monocarboxylic fatty
13 acids, derived from the plants African oil palm
14 (*Elaeis guineensis*), American oil palm (*Elaeis*
15 *oleifera*), babassu palm (*Attalea speciosa*),
16 macauba palm (*Acrocomia aculeata*), maripa
17 palm (*Attalea maripa*), or hybridized species de-
18 rived therefrom;

1 (B) those food products derived from im-
2 ported palm oil or any combination or portion
3 thereof; or

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

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

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

12 (b) PALM OIL NOT CONSIDERED COMMON CULTIVAR
13 OR COMMON FOOD CROP.—The exclusions specified in
14 section 2(f)(2)(A) of the Lacey Act Amendments of 1981
15 (16 U.S.C. 3371(f)(2)(A)) with respect to common
16 cultivars and common food crops shall not apply with re-
17 spect to palm oil.

18 **SEC. 120002. SUSTAINABILITY CERTIFICATIONS FOR PALM**
19 **OIL DEEMED SUFFICIENT AS IMPORT DEC-**
20 **LARATIONS AND DUE DILIGENCE.**

21 (a) IN GENERAL.—In the case of a palm oil product
22 that meets the sustainability certification standards pub-
23 lished under this section and for which documentation of
24 meeting such standards is presented at the port of entry
25 into the United States—

1 (1) such product shall not require an import
2 declaration under section 3(f) of the Lacey Act
3 Amendments of 1981 (16 U.S.C. 3372(f)); and

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

8 (b) CERTIFICATION STANDARDS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary
11 shall publish on an internet website of the Depart-
12 ment of Agriculture for public comment a prelimi-
13 nary list of nongovernmental certifying standards for
14 sustainable palm oil.

15 (2) CONSIDERATIONS.—In publishing the list
16 under paragraph (1), the Secretary shall—

17 (A) when considering whether to include a
18 certifying standard on such list, prioritize certi-
19 fying standards that promote—

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

22 (ii) human rights of palm oil agricul-
23 tural workers;

24 (iii) human rights of the communities
25 neighboring palm oil plantations; and

1 (iv) preventing deforestation or
2 peatlands degradation; and

3 (B) consider including in such list the cer-
4 tifying standard sponsored by the Roundtable
5 for Sustainable Palm Oil.

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

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

14 (5) UPDATES.—The Secretary shall—

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

18 (B) allow for public notice and a period for
19 public comment with respect to any such up-
20 dates.

21 (c) TEMPORARY CERTIFICATIONS.—In the case of
22 palm oil products for which documentation of meeting the
23 sustainability certification standards referred to in sub-
24 section (a) cannot be provided, the Secretary may grant
25 the importers of such products temporary certifications

1 that may be presented at the port of entry into the United
2 States in lieu of such documentation for a period not to
3 exceed one year, subject to renewal (of such duration as
4 the Secretary may specify), if the Secretary publishes on
5 a public internet site of the Department of Agriculture,
6 and updates as necessary, a list of all such temporary cer-
7 tifications, including with respect to each such temporary
8 certification—

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

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

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

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

18 **SEC. 120003. LABELING OF IMPORTED PALM OIL PROD-**
19 **UCTS.**

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

23 “(z) If it is a food that contains ingredients derived
24 from imported palm oil, unless its labeling lists such ingre-
25 dients by the common or usual name of the ingredient,

1 including listing (parenthetically or otherwise) of all com-
2 ponents of such ingredient.”.

3 (b) COUNTRY OF ORIGIN LABELING.—

4 (1) USE IN FOOD.—Section 281(1)(A) of the
5 Agricultural Marketing Act of 1946 (7 U.S.C.
6 1638(1))(A) is amended—

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

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

11 (C) by adding at the end the following:

12 “(xii) palm oil.”.

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

16 (A) specifying that a person may not sell,
17 or offer for sale in interstate commerce, im-
18 ported palm oil products, or another product
19 containing imported palm oil products, unless
20 the packaging and labeling of such products
21 that are not, by operation of the amendments
22 made by paragraph (1), subject to section 282
23 of the Agricultural Marketing Act of 1946 (7
24 U.S.C. 1638a), specify the country of origin of
25 such products; and

1 (B) providing for an exemption from the
2 requirement specified pursuant to subparagraph
3 (A) with respect to products containing im-
4 ported palm oil products if the amount of im-
5 ported palm oil in such product is de minimis
6 (as determined by the head of the Federal
7 agency involved).

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

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

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

16 (A) contribute to significant loss of native
17 species;

18 (B) disrupt or contaminate natural water
19 sources;

20 (C) reduce local food security;

21 (D) cause the forced displacement of local
22 people;

23 (E) contribute to deforestation;

24 (F) increase greenhouse gas emissions sub-
25 stantially;

1 (G) contribute to human trafficking, forced
2 labor, or child labor;

3 (H) enable wildlife trafficking; or

4 (I) further bureaucratic corruption; and

5 (2) the cultivation or processing is carried out
6 in accordance with the sustainability certification
7 standards specified pursuant to section 120002.

8 (b) CONGRESSIONAL INSTRUCTIONS TO THE EXECU-
9 TIVE.—The President should instruct the Secretary of the
10 Treasury, acting as the Chairman of the National Advi-
11 sory Council on International Monetary and Financial
12 Policies, and the United States Executive Director at each
13 international financial institution (as defined in section
14 1701(c)(2) of the International Financial Institutions Act
15 (22 U.S.C. 262r(c)(2))) to use the voice and vote of the
16 United States to oppose new proposals for palm oil devel-
17 opment loans, unless the development of palm oil is to be
18 carried out in accordance with the sustainability certifi-
19 cation standards specified pursuant to section 120002.

20 (c) CONSULTATION.—The Secretary of Agriculture
21 shall consult and collaborate with the Secretary of State
22 and the Administrator of the Agency for International De-
23 velopment in carrying out activities under this division re-
24 lating to palm oil cultivation and development in other
25 countries.

1 **SEC. 120005. INELIGIBILITY FOR RENEWABLE FUEL STAND-**
2 **ARD.**

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

8 **SEC. 120006. EFFECT ON OTHER LAW.**

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

