

117TH CONGRESS  
1ST SESSION

# H. R. 5863

To strengthen enforcement actions against unlawfully sourced palm oil and deforestation in developing countries, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2021

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Financial Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To strengthen enforcement actions against unlawfully sourced palm oil and deforestation in developing countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Palm Oil Defor-  
5 estation Act”.

6 **SEC. 2. DEFINITIONS.**

7 (a) IN GENERAL.—In this Act:

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

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

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

15              (B) those food products derived from im-  
16      ported palm oil or any combination or portion  
17      thereof; or

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

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

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

1 (b) PALM OIL NOT CONSIDERED COMMON CULTIVAR  
2 OR COMMON FOOD CROP.—The exclusions specified in  
3 section 2(f)(2)(A) of the Lacey Act Amendments of 1981  
4 (16 U.S.C. 3371(f)(2)(A)) with respect to common  
5 cultivars and common food crops shall not apply with re-  
6 spect to palm oil.

7 **SEC. 3. SUSTAINABILITY CERTIFICATIONS FOR PALM OIL**  
8 **DEEMED SUFFICIENT AS IMPORT DECLARA-**  
9 **TIONS AND DUE DILIGENCE.**

10 (a) IN GENERAL.—In the case of a palm oil product  
11 that meets the sustainability certification standards pub-  
12 lished under this section and for which documentation of  
13 meeting such standards is presented at the port of entry  
14 into the United States—

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

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

22 (b) CERTIFICATION STANDARDS.—

23 (1) IN GENERAL.—Not later than 90 days after  
24 the date of the enactment of this Act, the Secretary  
25 shall publish on an internet website of the Depart-

1       ment of Agriculture for public comment a prelimi-  
2       nary list of nongovernmental certifying standards for  
3       sustainable palm oil.

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

6           (A) when considering whether to include a  
7       certifying standard on such list, prioritize certi-  
8       fying standards that promote—

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

11          (ii) human rights of palm oil agricul-  
12       tural workers;

13          (iii) human rights of the communities  
14       neighboring palm oil plantations; and

15          (iv) preventing deforestation or  
16       peatlands degradation; and

17       (B) consider including in such list the cer-  
18       tifying standard sponsored by the Roundtable  
19       for Sustainable Palm Oil.

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

23       (4) FINALIZATION.—Not later than 90 days  
24       after the date on which the preliminary list of non-  
25       governmental certifying standards for sustainable

1 palm oil under paragraph (1) is published, finalize  
2 the preliminary list.

3 (5) UPDATES.—The Secretary shall—

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

7 (B) allow for public notice and a period for  
8 public comment with respect to any such up-  
9 dates.

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

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

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

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

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

8   **SEC. 4. LABELING OF IMPORTED PALM OIL PRODUCTS.**

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

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

17           (b) **COUNTRY OF ORIGIN LABELING.**—

18           (1) **USE IN FOOD.**—Section 281(1)(A) of the  
19   Agricultural Marketing Act of 1946 (7 U.S.C.  
20   1638(1))(A) is amended—

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

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

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

1 “(xii) palm oil.”.

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

5 (A) specifying that a person may not sell,  
6 or offer for sale in interstate commerce, im-  
7 ported palm oil products, or another product  
8 containing imported palm oil products, unless  
9 the packaging and labeling of such products  
10 that are not, by operation of the amendments  
11 made by paragraph (1), subject to section 282  
12 of the Agricultural Marketing Act of 1946 (7  
13 U.S.C. 1638a), specify the country of origin of  
14 such products; and

15 (B) providing for an exemption from the  
16 requirement specified pursuant to subparagraph  
17 (A) with respect to products containing im-  
18 ported palm oil products if the amount of im-  
19 ported palm oil in such product is de minimis  
20 (as determined by the head of the Federal  
21 agency involved).

22 **SEC. 5. UNITED STATES POLICY WITH RESPECT TO PALM**  
23 **OIL CULTIVATION ABROAD.**

24 (a) MORATORIUM.—No Federal funds may be obli-  
25 gated, expended, or otherwise made available for the cul-

1 tivation or processing of palm oil abroad, unless the Sec-  
2 retary of State certifies that—

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

5 (A) contribute to significant loss of native  
6 species;

7 (B) disrupt or contaminate natural water  
8 sources;

9 (C) reduce local food security;

10 (D) cause the forced displacement of local  
11 people;

12 (E) contribute to deforestation;

13 (F) increase greenhouse gas emissions sub-  
14 stantially;

15 (G) contribute to human trafficking, forced  
16 labor, or child labor;

17 (H) enable wildlife trafficking; or

18 (I) further bureaucratic corruption; and

19 (2) the cultivation or processing is carried out  
20 in accordance with the sustainability certification  
21 standards specified pursuant to section 3.

22 (b) CONGRESSIONAL INSTRUCTIONS TO THE EXECU-  
23 TIVE.—The President should instruct the Secretary of the  
24 Treasury, acting as the Chairman of the National Advi-  
25 sory Council on International Monetary and Financial



1 Policies, and the United States Executive Director at each  
2 international financial institution (as defined in section  
3 1701(c)(2) of the International Financial Institutions Act)  
4 to use the voice and vote of the United States to oppose  
5 new proposals for palm oil development loans, unless the  
6 development of palm oil is to be carried out in accordance  
7 with the sustainability certification standards specified  
8 pursuant to section 3.

9 (c) CONSULTATION.—The Secretary of Agriculture  
10 shall consult and collaborate with the Secretary of State  
11 and the Administrator of the Agency for International De-  
12 velopment in carrying out activities under this Act relating  
13 to palm oil cultivation and development in other countries.

14 **SEC. 6. INELIGIBILITY FOR RENEWABLE FUEL STANDARD.**

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

20 **SEC. 7. EFFECT ON OTHER LAW.**

21 Nothing in this Act modifies, limits, or otherwise af-  
22 fects the application of, or obligation to comply with any  
23 other Federal law, including the Lacey Act Amendments  
24 of 1981 (16 U.S.C. 3371 et seq.).

○