

117TH CONGRESS
1ST SESSION

S. 37

To address the public health risks posed by wildlife markets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2021

Mr. CORNYN (for himself, Mr. BOOKER, Mr. TILLIS, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To address the public health risks posed by wildlife markets,
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 “Preventing Future
5 Pandemics Act of 2021”.

6 **SEC. 2. WILDLIFE MARKET DEFINED.**

7 In this Act, the term “wildlife market”—

8 (1) means a commercial market that—

9 (A) sells or slaughters terrestrial, including
10 avian, wildlife for human consumption as food

1 or medicine, whether the animals originated in
 2 the wild or in a captive environment; and

3 (B) delivers a product in communities
 4 where alternative nutritional or protein sources
 5 are available; and

6 (2) does not include markets in areas where no
 7 other practical alternative sources of protein or meat
 8 exists, such as wildlife markets in rural areas on
 9 which indigenous people rely to feed themselves and
 10 their families.

11 **SEC. 3. STUDY ON RISK OF WILDLIFE MARKETS ON THE**
 12 **EMERGENCE OF NOVEL VIRAL PATHOGENS.**

13 Not later than 30 days after the date of the enact-
 14 ment of this Act, the Secretary of Health and Human
 15 Services shall seek to enter into an agreement with the
 16 National Academies of Sciences, Engineering, and Medi-
 17 cine under which the National Academies of Sciences, En-
 18 gineering, and Medicine agrees to—

19 (1) conduct a study to evaluate—

20 (A) the impact of physical proximity and
 21 consumption of terrestrial wildlife as food or
 22 medicine on the emergence of viral and other
 23 microbial pathogens;

24 (B) the impact of consumption of terres-
 25 trial wildlife as food or medicine on the trans-

1 mission of novel viral and other microbial
2 pathogens;

3 (C) the role consumption of terrestrial
4 wildlife as food or medicine has on the trans-
5 mission of microbes from animals to humans;
6 and

7 (D) the conditions at live wildlife markets
8 that lead to transmission of zoonotic diseases;
9 and

10 (2) not later than one year after the date of
11 such agreement, submit a report to the Committee
12 on Health, Education, Labor, and Pensions of the
13 Senate and the Committee on Energy and Com-
14 merce of the House of Representatives on the find-
15 ings of the study described in paragraph (1).

16 **SEC. 4. INTERNATIONAL COOPERATION.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that global institutions, including the Food and Ag-
19 riculture Organization of the United Nations (FAO), the
20 World Organisation for Animal Health (OIE), and the
21 World Health Organization (WHO), together with leading
22 nongovernmental organizations, veterinary colleges, and
23 the United States Agency for International Development
24 (USAID), should promote the paradigm of One Health—
25 the integration of human health, animal health, agri-

1 culture, ecosystems, and the environment as an effective
2 and integrated way to address the complexity of emerging
3 disease threats.

4 (b) STATEMENT OF POLICY.—It is the policy of the
5 United States to facilitate international cooperation by
6 working with international partners and through intergov-
7 ernmental, international, and nongovernmental organiza-
8 tions such as the United Nations to—

9 (1) lead a resolution at the United Nations Se-
10 curity Council or General Assembly and World
11 Health Assembly outlining the danger to human and
12 animal health from emerging zoonotic infectious dis-
13 eases, with recommendations for implementing the
14 worldwide closure of wildlife markets and the ending
15 of the associated commercial trade of terrestrial
16 wildlife that feed and supply those markets, except
17 for in such countries or regions where the consump-
18 tion of wildlife is necessary for local food security or
19 where such actions would significantly disrupt a
20 readily available and irreplaceable food supply;

21 (2) work with governments through existing
22 treaties and the United Nations to develop a new
23 protocol or agreement, and amend existing protocols
24 or agreements, regarding stopping deforestation and
25 other ecosystem destruction, closing commercial

1 wildlife markets for human consumption, and end
 2 the associated commercial trade of terrestrial wildlife
 3 that feed and supply those markets while ensuring
 4 full consideration to the needs and rights of indige-
 5 nous peoples and local communities that are depend-
 6 ent on wildlife for their food security, national sov-
 7 ereignty, and local laws and customs;

8 (3) disrupt and ultimately end the commercial
 9 international trade in terrestrial wildlife associated
 10 with wildlife markets and eliminate commercial wild-
 11 life markets;

12 (4) disrupt and ultimately eliminate wildlife
 13 trafficking associated with the operation of wildlife
 14 markets;

15 (5) raise awareness on the dangerous potential
 16 of wildlife markets as a source of zoonotic diseases
 17 such as the novel coronavirus that causes the disease
 18 COVID–19 and reduce demand for the consumption
 19 of wildlife through evidence-based behavior change
 20 programs while ensuring that existing wildlife habi-
 21 tat is not encroached upon or destroyed as part of
 22 this process;

23 (6) encourage and support alternate forms of
 24 food production, farming, and shifts to domestic
 25 animal- or plant-source foods instead of terrestrial

wildlife where able and appropriate, and reduce consumer demand for terrestrial wildlife through enhanced local and national food systems, especially in areas where wildlife markets play a significant role in meeting subsistence needs while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process; and

(7) strive to increase hygienic standards implemented in markets around the globe, especially those specializing in the sale of products intended for human consumption.

(c) ACTIVITIES.—

(1) GLOBAL PROHIBITIONS AND ENFORCEMENT.—The United States Government, working through the United Nations and its components, as well as international organization such as Interpol and the World Organisation for Animal Health, and in furtherance of the policies described in subsection

(b), shall—

(A) collaboratively with other member states, issue declarations, statements, and communiques urging a global ban on commercial wildlife markets and trade for human consumption; and

1 (B) urge increased enforcement of existing
2 laws to end wildlife trafficking.

3 (2) INTERNATIONAL COALITIONS.—The Sec-
4 retary of State shall seek to build international coali-
5 tions focused on ending commercial wildlife markets
6 for human consumption and associated wildlife trade
7 which feeds and supplies said markets, with a focus
8 on the following efforts:

9 (A) Providing assistance and advice to
10 other governments in the adoption of legislation
11 and regulations to close wildlife markets and
12 trade for human consumption.

13 (B) Creating economic pressure on wildlife
14 markets and their supply chains to prevent
15 their operation.

16 (C) Providing assistance and guidance to
17 other governments to prohibit the import, ex-
18 port, and domestic trade of live terrestrial wild-
19 life for the purpose of human consumption.

20 (D) Engaging and receiving guidance from
21 key stakeholders at the ministerial, local gov-
22 ernment, and civil society level in countries that
23 will be impacted by this Act and where wildlife
24 markets and associated wildlife trafficking is
25 the predominant source of meat or protein, in

order to mitigate the impact of any international efforts on local customs, conservation methods, or cultural norms.

(3) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—

(A) FINDING AND REPORT REQUIRED.—

(i) IN GENERAL.—The Secretary of State shall submit a report to the President if the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of the Interior, and the Administrator of the United States Agency for International Development, finds that—

(I) a foreign country—

(aa) continues to license or enable commercial wildlife markets; or

(bb) does not enact regulations consistent with subsection (b) to ultimately eliminate those markets; or

(II) nationals of a foreign country, based on credible evidence, are trafficking or otherwise moving com-

1 mercial quantities of wildlife intended
2 for human consumption.

3 (ii) MONITORING AND INVESTIGA-
4 TIONS.—In administering this subpara-
5 graph, the Secretary of State, in consulta-
6 tion with the Secretary of Health and
7 Human Services, the Secretary of the Inte-
8 rior, and the Administrator of the United
9 States Agency for International Develop-
10 ment, shall—

11 (I) periodically monitor the ac-
12 tivities of foreign entities described in
13 clause (i);

14 (II) promptly investigate any ac-
15 tivity by foreign entities that, in the
16 opinion of the Secretary, may be
17 cause for reporting under clause (i);
18 and

19 (III) promptly conclude, and
20 reach a decision with respect to, any
21 investigation commenced under sub-
22 clause (II).

23 (iii) TRANSMISSION TO CONGRESS.—
24 Not later than 15 days after submitting a
25 report to the President under clause (i),

1 Secretary of State shall transmit the re-
2 port to Congress.

3 (B) PENALTIES.—After receiving a report
4 under subparagraph (A)(i) with respect to a
5 country, the President may impose such eco-
6 nomic, diplomatic, or other penalties as the
7 President considers appropriate with respect to
8 that country or nationals of that country, in-
9 cluding the following:

10 (i) PROHIBITION ON IMPORTATION.—

11 The President may direct the Secretary of
12 the Treasury to prohibit the importation
13 into the United States of any articles from
14 the country for such period of time as the
15 President determines appropriate and to
16 the extent that such prohibition is per-
17 mitted by the World Trade Organization
18 (as defined in section 2(8) of the Uruguay
19 Round Agreements Act (19 U.S.C.
20 3501(8))) or pursuant to the multilateral
21 trade agreements (as defined in section
22 2(4) of the Uruguay Round Agreements
23 Act (19 U.S.C. 3501(4))).

24 (ii) EXCLUSION FROM UNITED
25 STATES.—

1 (I) IN GENERAL.—The President
2 may direct the Secretary of State to
3 deny a visa to, and the Secretary of
4 Homeland Security to exclude from
5 the United States, any national de-
6 scribed in subparagraph (A)(i)(II).

7 (II) EXCEPTION TO COMPLY
8 WITH INTERNATIONAL OBLIGATIONS
9 AND FOR LAW ENFORCEMENT ACTIVI-
10 TIES.—Subclause (I) shall not apply
11 with respect to an individual if admit-
12 ting or paroling the individual into the
13 United States is necessary—

14 (aa) to permit the United
15 States to comply with the Agree-
16 ment regarding the Headquarters
17 of the United Nations, signed at
18 Lake Success June 26, 1947,
19 and entered into force November
20 21, 1947, between the United
21 Nations and the United States,
22 or other applicable international
23 obligations; or

1 (bb) to carry out or assist
2 law enforcement activity in the
3 United States.

4 (iii) BLOCKING OF PROPERTY.—The
5 President may exercise all of the powers
6 granted to the President under the Inter-
7 national Emergency Economic Powers Act
8 (50 U.S.C. 1701 et seq.) to the extent nec-
9 essary to block and prohibit all trans-
10 actions in property and interests in prop-
11 erty of any national of the country de-
12 scribed in subparagraph (A)(II), if such
13 property and interests in property are in
14 the United States, come within the United
15 States, or are or come within the posses-
16 sion or control of a United States person.

17 (iv) PREVENTION OF ACCESS TO
18 INTERNATIONAL PAYMENT CHANNELS.—
19 The President may work with international
20 partners to prevent access to the Society
21 for Worldwide Interbank Financial Tele-
22 communications (commonly known as
23 “SWIFT”) network and other payment
24 channels by any national of the country de-
25 scribed in subparagraph (A)(II).

1 (C) NOTIFICATION TO CONGRESS.—Not
2 later than 60 days after receiving a report
3 under subparagraph (A)(i) with respect to a
4 country—

5 (i) the President shall notify Congress
6 of any action taken by the President pur-
7 suant to the report; and

8 (ii) if the President decides not to di-
9 rect the Secretary of the Treasury to pro-
10 hibit the importation of terrestrial wildlife
11 from the country, or directs the Secretary
12 to prohibit the importation of less than all
13 fish, wildlife, or related articles of the
14 country, the President shall include in the
15 notification required by clause (i) a state-
16 ment of the reasons for that decision.

17 (D) PERIODIC REVIEW AND TERMI-
18 NATION.—

19 (i) PERIODIC REVIEW.—After submit-
20 ting a report to the President under sub-
21 paragraph (A)(i) with respect to a country,
22 the Secretary of State, in consultation with
23 the Secretary of Health and Human Serv-
24 ices, the Secretary of the Interior, and the
25 Administrator of the United States Agency

1 for International Development, shall peri-
 2 odically, but not less frequently than every
 3 2 years, review the actions of the country
 4 and nationals of the country to determine
 5 if the reasons for the finding of the Sec-
 6 retary under that subparagraph still exist.

7 (ii) TERMINATION.—Upon making a
 8 determination under clause (i) that the
 9 reasons for a finding under subparagraph
 10 (A)(i) with respect to a country no longer
 11 exist, the Secretary of State shall publish
 12 in the Federal Register notice of the deter-
 13 mination and a statement of the facts on
 14 which the determination is based.

15 (d) UNITED STATES AGENCY FOR INTERNATIONAL
 16 DEVELOPMENT.—

17 (1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

18 (A) AUTHORIZATION OF APPROPRIA-
 19 TIONS.—In addition to any other amounts pro-
 20 vided for such purposes, there is authorized to
 21 be appropriated \$300,000,000 for each fiscal
 22 year from 2021 through 2030 to the United
 23 States Agency for International Development to
 24 reduce demand for consumption of wildlife from
 25 wildlife markets and support shifts to diversi-

1 fied alternative sources of food and protein in
2 communities that rely upon the consumption of
3 wildlife for food security while ensuring that ex-
4 isting wildlife habitat is not encroached upon or
5 destroyed as part of this process.

6 (B) ACTIVITIES.—The Bureau for Eco-
7 nomic Growth, Education, and Environment,
8 the Bureau for Resilience and Food Security,
9 and the Bureau for Global Health of the United
10 States Agency for International Development
11 shall, in partnership with United States institu-
12 tions of higher education and nongovernmental
13 organizations, co-develop approaches focused on
14 safe, sustainable food systems that support and
15 incentivize the replacement of terrestrial wildlife
16 in diets while ensuring that existing wildlife
17 habitat is not encroached upon or destroyed as
18 part of this process.

19 (2) ADDRESSING THREATS AND CAUSES OF
20 ZOOBOTIC DISEASE OUTBREAKS.—The Adminis-
21 trator of the United States Agency for International
22 Development shall increase activities in USAID pro-
23 grams related to biodiversity, wildlife trafficking,
24 sustainable landscape, global health, food security,
25 and resilience in order to address the threats and

1 causes of zoonotic disease outbreaks, including
2 through—

3 (A) education;

4 (B) capacity building;

5 (C) strengthening human health surveil-
6 lance systems for emergence of zoonotic disease,
7 and strengthening cross-sectoral collaboration
8 to align risk reduction approaches;

9 (D) improved domestic and wild animal
10 disease surveillance and control at production
11 and market levels;

12 (E) development of alternative livelihood
13 opportunities where possible;

14 (F) conservation of intact ecosystems and
15 reduction of fragmentation and conversion of
16 natural habitats to prevent the creation of new
17 pathways for zoonotic disease transmission;

18 (G) minimizing interactions between do-
19 mestic livestock and wild animals in markets
20 and captive production; and

21 (H) supporting shifts from wildlife markets
22 to diversified, safe, affordable, and accessible
23 protein such as domestic animal- and plant-
24 source foods through enhanced local and na-
25 tional food systems while ensuring that existing

1 wildlife habitat is not encroached upon or de-
2 stroyed as part of this process.

3 (3) IMMEDIATE RELIEF FUNDING TO STABILIZE
4 PROTECTED AREAS.—The Administrator of the
5 United States Agency for International Development
6 shall administer immediate relief funding to stabilize
7 protected areas and conservancies.

8 (e) STAFFING REQUIREMENTS.—

9 (1) OFFICE OF TERRORISM AND FINANCIAL IN-
10 TELLIGENCE.—The Under Secretary of the Treas-
11 ury for Terrorism and Financial Intelligence is en-
12 couraged to hire additional investigators to bolster
13 capacity for investigations and sanctions focused on
14 individuals engaged in the activities described in
15 subsection (c)(3)(A).

16 (2) UNITED STATES AGENCY FOR INTER-
17 NATIONAL DEVELOPMENT.—The Administrator of
18 the United States Agency for International Develop-
19 ment, in collaboration with the United States Fish
20 and Wildlife Service, the United States Department
21 of Agriculture Animal and Plant Health Inspection
22 Service, and other Federal entities as appropriate, is
23 authorized to hire additional personnel—

24 (A) to undertake programs aimed at reduc-
25 ing the risks of endemic and emerging infec-

1 tious diseases and exposure to antimicrobial re-
2 sistant pathogens;

3 (B) to provide administrative support and
4 resources to ensure effective and efficient co-
5 ordination of funding opportunities and sharing
6 of expertise from relevant USAID bureaus and
7 programs, including emerging pandemic
8 threats;

9 (C) to award funding to on-the-ground
10 projects;

11 (D) to provide project oversight to ensure
12 accountability and transparency in all phases of
13 the award process; and

14 (E) to undertake additional activities
15 under this Act.

16 (f) REPORTING REQUIREMENTS.—

17 (1) DEPARTMENT OF STATE.—Not later than
18 180 days after the date of the enactment of this Act,
19 and annually thereafter until 2030, the Secretary of
20 State shall submit to the appropriate congressional
21 committees a report describing—

22 (A) the actions taken pursuant to this Act;

23 (B) the impact and effectiveness of inter-
24 national cooperation on ending the use and op-
25 eration of wildlife markets;

1 (C) the impact and effectiveness of inter-
2 national cooperation on ending wildlife traf-
3 ficking associated with wildlife markets; and

4 (D) the impact and effectiveness of inter-
5 national cooperation on ending the international
6 trade in live terrestrial wildlife for human con-
7 sumption as food or medicine.

8 (2) UNITED STATES AGENCY FOR INTER-
9 NATIONAL DEVELOPMENT.—Not later than 180 days
10 after the date of the enactment of this Act, the Ad-
11 ministrator of the United States Agency for Inter-
12 national Development shall submit to the appro-
13 priate congressional committees a report—

14 (A) describing the actions taken pursuant
15 to this Act;

16 (B) describing the impact and effectiveness
17 of reducing demand for consumption of wildlife
18 and associated wildlife markets;

19 (C) summarizing additional personnel
20 hired with funding authorized under this Act,
21 including the number hired in each bureau; and

22 (D) describing partnerships developed with
23 other institutions of higher learning and non-
24 governmental organizations.

1 **SEC. 5. PROHIBITION OF IMPORT, EXPORT, AND SALE OF**
2 **CERTAIN LIVE WILD ANIMALS FOR HUMAN**
3 **CONSUMPTION.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—Chapter 3 of title 18, United
6 States Code, is amended by inserting after section
7 43 the following:

8 **“§ 44. Prohibition of import, export, and sale of cer-**
9 **tain live wild animals for human con-**
10 **sumption**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the phrase ‘human consumption’ shall in-
13 clude all consumption as food or medicine except
14 consumption that is incidental to lawful hunting ac-
15 tivity.

16 “(2) the term ‘live wild animal’ means a live
17 wild mammal, bird, reptile, or amphibian, whether
18 or not bred, hatched, or born in captivity with the
19 exception of ruminants; and

20 “(3) the term ‘wild’ has the meaning given that
21 term in section 42.

22 “(b) PROHIBITIONS.—It shall be unlawful for any
23 person—

24 “(1) to import or export any live wild animal
25 for human consumption as food or medicine;

1 “(2) to sell for human consumption as food or
2 medicine a live wild animal, including through sale
3 or purchase at a live animal market; or

4 “(3) to attempt to commit any act described in
5 paragraph (1) or (2).

6 “(c) PENALTIES.—

7 “(1) IN GENERAL.—Any person who knowingly
8 violates subsection (b) shall be fined not more than
9 \$100,000, imprisoned for not more than 5 years, or
10 both.

11 “(2) MULTIPLE VIOLATIONS.—Each violation of
12 subsection (b) shall constitute a separate offense.

13 “(3) VENUE.—A violation of subsection (b) may
14 be prosecuted in the judicial district in which the
15 violation first occurred and any judicial district in
16 which the defendant sold the live wild animal.”.

17 (2) CONFORMING AMENDMENT.—The table of
18 sections for chapter 3 of title 18, United States
19 Code, is amended by inserting after the item relating
20 to section 43 the following:

“44. Prohibition of import, export, and sale of certain live wild animals for
human consumption.”.

21 (b) FUNDING.—There is authorized to be appro-
22 priated to carry out section 44 of title 18, United States
23 Code, as added by subsection (a), \$35,000,000 for each
24 of fiscal years 2021 through 2030.

1 **SEC. 6. LAW ENFORCEMENT ATTACHE DEPLOYMENT.**

2 (a) IN GENERAL.—Beginning in fiscal year 2021, the
3 Secretary of the Interior, acting through the Director of
4 the United States Fish and Wildlife Service, in consulta-
5 tion with the Secretary of State, shall require the Chief
6 of Law Enforcement of the United States Fish and Wild-
7 life Service to hire, train, and deploy not fewer than 50
8 new United States Fish and Wildlife Service law enforce-
9 ment attaches, and appropriate additional support staff,
10 at one or more United States embassies, consulates, com-
11 mands, or other facilities—

12 (1) in one or more countries designated as a
13 focus country or a country of concern in the most
14 recent report submitted under section 201 of the
15 Eliminate, Neutralize, and Disrupt Wildlife Traf-
16 ficking Act of 2016 (16 U.S.C. 7621); and

17 (2) in such additional countries or regions, as
18 determined by the Secretary of Interior, that are
19 known or suspected to be a source of illegal trade of
20 species listed—

21 (A) as threatened species or endangered
22 species under the Endangered Species Act of
23 1973 (16 U.S.C. 1531 et seq.); or

24 (B) under appendix I of the Convention on
25 International Trade in Endangered Species of

1 Wild Fauna and Flora, done at Washington
2 March 3, 1973 (27 UST 1087; TIAS 8249).

3 (b) FUNDING.—There is authorized to be appro-
4 priated to carry out this section \$150,000,000 for each
5 of fiscal years 2021 through 2030.

○