

116TH CONGRESS
2D SESSION

H. R. 8433

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mr. QUIGLEY (for himself and Mr. UPTON) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Energy and Commerce, Financial Services, the Judiciary, Natural Resources, and Ways and Means, 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 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 2020”.

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

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

8 (1) means a commercial market that—

1 (A) sells or slaughters terrestrial, including
2 avian, wildlife for human consumption as food
3 or medicine, whether the animals originated in
4 the wild or in a captive environment; and

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

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

13 **SEC. 3. STUDY ON RISK OF WILDLIFE MARKETS ON THE**
14 **EMERGENCE OF NOVEL VIRAL PATHOGENS.**

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

21 (1) conduct a study to evaluate—

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

1 (B) the impact of consumption of terres-
2 trial wildlife as food or medicine on the trans-
3 mission of novel viral and other microbial
4 pathogens;

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

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

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

18 **SEC. 4. INTERNATIONAL COOPERATION.**

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

1 (USAID), should promote the paradigm of One Health—
2 the integration of human health, animal health, agri-
3 culture, ecosystems, and the environment as an effective
4 and integrated way to address the complexity of emerging
5 disease threats.

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

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

23 (2) work with governments through existing
24 treaties and the United Nations to develop a new
25 protocol or agreement, and amend existing protocols

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

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

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

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

1 (6) encourage and support alternate forms of
2 food production, farming, and shifts to domestic
3 animal- or plant-source foods instead of terrestrial
4 wildlife where able and appropriate, and reduce con-
5 sumer demand for terrestrial wildlife through en-
6 hanced local and national food systems, especially in
7 areas where wildlife markets play a significant role
8 in meeting subsistence needs while ensuring that ex-
9 isting wildlife habitat is not encroached upon or de-
10 stroyed as part of this process; and

11 (7) strive to increase hygienic standards imple-
12 mented in markets around the globe, especially those
13 specializing in the sale of products intended for
14 human consumption.

15 (c) ACTIVITIES.—

16 (1) GLOBAL PROHIBITIONS AND ENFORCE-
17 MENT.—The United States Government, working
18 through the United Nations and its components, as
19 well as international organization such as Interpol
20 and the World Organisation for Animal Health, and
21 in furtherance of the policies described in subsection
22 (b), shall—

23 (A) collaboratively with other member
24 states, issue declarations, statements, and com-
25 muniques urging a global ban on commercial

1 wildlife markets and trade for human consump-
2 tion; and

3 (B) urge increased enforcement of existing
4 laws to end wildlife trafficking.

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

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

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

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

22 (D) Engaging and receiving guidance from
23 key stakeholders at the ministerial, local gov-
24 ernment, and civil society level in countries that
25 will be impacted by this Act and where wildlife

1 markets and associated wildlife trafficking is
2 the predominant source of meat or protein, in
3 order to mitigate the impact of any inter-
4 national efforts on local customs, conservation
5 methods, or cultural norms.

6 (3) AUTHORIZATION OF IMPOSITION OF SANC-
7 TIONS.—

8 (A) FINDING AND REPORT REQUIRED.—

9 (i) IN GENERAL.—The Secretary of
10 State shall submit a report to the Presi-
11 dent if the Secretary, in consultation with
12 the Secretary of Health and Human Serv-
13 ices, the Secretary of the Interior, and the
14 Administrator of the United States Agency
15 for International Development, finds
16 that—

17 (I) a foreign country—

18 (aa) continues to license or
19 enable commercial wildlife mar-
20 kets; or

21 (bb) does not enact regula-
22 tions consistent with subsection
23 (b) to ultimately eliminate those
24 markets; or

1 (II) nationals of a foreign coun-
2 try, based on credible evidence, are
3 trafficking or otherwise moving com-
4 mercial quantities of wildlife intended
5 for human consumption.

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

14 (I) periodically monitor the ac-
15 tivities of foreign entities described in
16 clause (i);

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

22 (III) promptly conclude, and
23 reach a decision with respect to, any
24 investigation commenced under sub-
25 clause (II).

(iii) TRANSMISSION TO CONGRESS.—

Not later than 15 days after submitting a report to the President under clause (i), Secretary of State shall transmit the report to Congress.

(B) PENALTIES.—After receiving a report under subparagraph (A)(i) with respect to a country, the President may impose such economic, diplomatic, or other penalties as the President considers appropriate with respect to that country or nationals of that country, including the following:

(i) PROHIBITION ON IMPORTATION.—

The President may direct the Secretary of the Treasury to prohibit the importation into the United States of any articles from the country for such period of time as the President determines appropriate and to the extent that such prohibition is permitted by the World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act (19 U.S.C. 3501(8))) or pursuant to the multilateral trade agreements (as defined in section

1 2(4) of the Uruguay Round Agreements
2 Act (19 U.S.C. 3501(4))).

3 (ii) EXCLUSION FROM UNITED
4 STATES.—

5 (I) IN GENERAL.—The President
6 may direct the Secretary of State to
7 deny a visa to, and the Secretary of
8 Homeland Security to exclude from
9 the United States, any national of the
10 country described in subparagraph
11 (A)(II).

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

19 (aa) to permit the United
20 States to comply with the Agree-
21 ment regarding the Headquarters
22 of the United Nations, signed at
23 Lake Success June 26, 1947,
24 and entered into force November
25 21, 1947, between the United

1 Nations and the United States,
2 or other applicable international
3 obligations; or

4 (bb) to carry out or assist
5 law enforcement activity in the
6 United States.

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

20 (iv) PREVENTION OF ACCESS TO
21 INTERNATIONAL PAYMENT CHANNELS.—
22 The President may work with international
23 partners to prevent access to the Society
24 for Worldwide Interbank Financial Tele-
25 communications (commonly known as

1 “SWIFT”) network and other payment
2 channels by any national of the country de-
3 scribed in subparagraph (A)(II).

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

8 (i) the President shall notify Congress
9 of any action taken by the President pur-
10 suant to the report; and

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

20 (D) PERIODIC REVIEW AND TERMI-
21 NATION.—

22 (i) PERIODIC REVIEW.—After submit-
23 ting a report to the President under sub-
24 paragraph (A)(i) with respect to a country,
25 the Secretary of State, in consultation with

1 the Secretary of Health and Human Serv-
2 ices, the Secretary of the Interior, and the
3 Administrator of the United States Agency
4 for International Development, shall peri-
5 odically, but not less frequently than every
6 2 years, review the actions of the country
7 and nationals of the country to determine
8 if the reasons for the finding of the Sec-
9 retary under that subparagraph still exist.

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

18 (d) UNITED STATES AGENCY FOR INTERNATIONAL
19 DEVELOPMENT.—

20 (1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

21 (A) AUTHORIZATION OF APPROPRIA-
22 TIONS.—In addition to any other amounts pro-
23 vided for such purposes, there is authorized to
24 be appropriated \$300,000,000 for each fiscal
25 year from 2021 through 2030 to the United

1 States Agency for International Development to
2 reduce demand for consumption of wildlife from
3 wildlife markets and support shifts to diversi-
4 fied alternative sources of food and protein in
5 communities that rely upon the consumption of
6 wildlife for food security while ensuring that ex-
7 isting wildlife habitat is not encroached upon or
8 destroyed as part of this process.

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

22 (2) ADDRESSING THREATS AND CAUSES OF
23 ZOONOTIC DISEASE OUTBREAKS.—The Adminis-
24 trator of the United States Agency for International
25 Development shall increase activities in USAID pro-

grams related to biodiversity, wildlife trafficking,
sustainable landscape, global health, food security,
and resilience in order to address the threats and
causes of zoonotic disease outbreaks, including
through—

(A) education;

(B) capacity building;

(C) strengthening human health surveillance systems for emergence of zoonotic disease, and strengthening cross-sectoral collaboration to align risk reduction approaches;

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

(E) development of alternative livelihood opportunities where possible;

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

(G) minimizing interactions between domestic livestock and wild animals in markets and captive production; and

(H) supporting shifts from wildlife markets to diversified, safe, affordable, and accessible

1 protein such as domestic animal- and plant-
2 source foods through enhanced local and na-
3 tional food systems while ensuring that existing
4 wildlife habitat is not encroached upon or de-
5 stroyed as part of this process.

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

11 (e) STAFFING REQUIREMENTS.—

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

19 (2) UNITED STATES AGENCY FOR INTER-
20 NATIONAL DEVELOPMENT.—The Administrator of
21 the United States Agency for International Develop-
22 ment, in collaboration with the United States Fish
23 and Wildlife Service, the United States Department
24 of Agriculture Animal and Plant Health Inspection

1 Service, and other Federal entities as appropriate, is
2 authorized to hire additional personnel—

3 (A) to undertake programs aimed at reduc-
4 ing the risks of endemic and emerging infec-
5 tious diseases and exposure to antimicrobial re-
6 sistant pathogens;

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

13 (C) to award funding to on-the-ground
14 projects;

15 (D) to provide project oversight to ensure
16 accountability and transparency in all phases of
17 the award process; and

18 (E) to undertake additional activities
19 under this Act.

20 (f) REPORTING REQUIREMENTS.—

21 (1) DEPARTMENT OF STATE.—Not later than
22 180 days after the date of the enactment of this Act,
23 and annually thereafter until 2030, the Secretary of
24 State shall submit to the appropriate congressional
25 committees a report describing—

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

2 (B) the impact and effectiveness of inter-
3 national cooperation on ending the use and op-
4 eration of wildlife markets;

5 (C) the impact and effectiveness of inter-
6 national cooperation on ending wildlife traf-
7 ficking associated with wildlife markets; and

8 (D) the impact and effectiveness of inter-
9 national cooperation on ending the international
10 trade in live terrestrial wildlife for human con-
11 sumption as food or medicine.

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

18 (A) describing the actions taken pursuant
19 to this Act;

20 (B) describing the impact and effectiveness
21 of reducing demand for consumption of wildlife
22 and associated wildlife markets;

23 (C) summarizing additional personnel
24 hired with funding authorized under this Act,
25 including the number hired in each bureau; and

1 (D) describing partnerships developed with
2 other institutions of higher learning and non-
3 governmental organizations.

4 **SEC. 5. PROHIBITION OF IMPORT, EXPORT, AND SALE OF**
5 **CERTAIN LIVE WILD ANIMALS FOR HUMAN**
6 **CONSUMPTION.**

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—Chapter 3 of title 18, United
9 States Code, is amended by inserting after section
10 43 the following:

11 **“§ 44. Prohibition of import, export, and sale of cer-**
12 **tain live wild animals for human con-**
13 **sumption**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the phrase ‘human consumption’ shall in-
16 clude all consumption as food or medicine except
17 consumption that is incidental to lawful hunting ac-
18 tivity;

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

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

1 “(b) PROHIBITIONS.—It shall be unlawful for any
2 person—

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

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

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

10 “(c) PENALTIES.—

11 “(1) IN GENERAL.—Any person who knowingly
12 violates subsection (b) shall be fined not more than
13 \$100,000, imprisoned for not more than 5 years, or
14 both.

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

17 “(3) VENUE.—A violation of subsection (b) may
18 be prosecuted in the judicial district in which the
19 violation first occurred and any judicial district in
20 which the defendant sold the live wild animal.”.

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

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

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

5 **SEC. 6. LAW ENFORCEMENT ATTACHÉ DEPLOYMENT.**

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

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

21 (2) in such additional countries or regions, as
22 determined by the Secretary of Interior, that are
23 known or suspected to be a source of illegal trade of
24 species listed—

1 (A) as threatened species or endangered
2 species under the Endangered Species Act of
3 1973 (16 U.S.C. 1531 et seq.); or

4 (B) under appendix I of the Convention on
5 International Trade in Endangered Species of
6 Wild Fauna and Flora, done at Washington
7 March 3, 1973 (27 UST 1087; TIAS 8249).

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

○