

SENSE OF THE CONGRESS REGARDING SHARK FINNING

NOVEMBER 1, 1999.—Referred to the House Calendar and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H. Con. Res. 189]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment (stated in terms of the page and line numbers of the introduced bill) is as follows:

Page 3, beginning at line 8, amend paragraph (2) to read as follows:

(2) all Federal and State agencies and other management entities that have jurisdiction over fisheries in waters of the United States where the practice of shark finning is not prohibited should promptly and permanently end that practice in those waters; and

PURPOSE OF THE BILL

The purpose of H. Con. Res. 189 is to express the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning.

BACKGROUND AND NEED FOR LEGISLATION

Sharks are harvested in many parts of the world in directed fisheries; however, in the United States waters, they are primarily caught as bycatch in pelagic longline fisheries such as the swordfish and tuna fisheries. In some fisheries, the shark is landed and both the flesh of the shark and the fins are sold for food purposes. In fisheries where the shark's fin is the primary product from the

animal, the fins are removed at sea and often are dried before they are landed.

Shark finning is currently prohibited in fisheries of the United States in waters of the Atlantic Ocean, Gulf of Mexico, and the Caribbean Ocean; the practice is not illegal in the Western and Central Pacific Ocean. Shark finning is a practice where the fins of a shark are removed and retained while a portion or all of the carcass is then discarded back into the ocean. Fins account for between one and five percent of the total weight of a shark.

The fins of sharks are the primary ingredient in shark-fin soup. The increasing popularity of shark-fin soup in Asia has increased the practice of shark finning in Hawaii. In fact, in 1991, the percentage of sharks retained by the longline fisheries for finning was approximately three percent. By 1998, that percentage had grown to 60 percent. Between 1991 and 1998, the number of sharks retained by the Hawaii-based swordfish and tuna longline fishery had increased from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins. The Hawaiian longline fleet produces between 66,000–88,000 pounds of shark fins per year. This is approximately one percent of the worldwide production of shark fins.

The blue shark is the primary shark affected by finning in the Western Pacific Ocean. Of the approximately 100,000 sharks that are caught off Hawaii, 90 to 95 percent of these sharks are blue sharks. The population of blue sharks is unknown in the Pacific Ocean, but the Honolulu Laboratory of the National Marine Fisheries Service is working on a comprehensive stock assessment of blue sharks that is expected to be completed in May of 2000.

Fisheries in United States waters are primarily managed through federal legislation known as the Magnuson-Stevens Fishery Conservation and Management Act. The Magnuson-Stevens Fishery Conservation and Management Act delegates management of fishery resources in the Pacific Ocean seaward of the State of Hawaii, American Samoa, Guam, the Northern Mariana Islands, and the other insular areas of the United States in the Pacific Ocean area to the Western Pacific Regional Fishery Management Council.

Magnuson-Stevens Fishery Conservation and Management Act requires that fishery management plans must be consistent with the national standards for fishery conservation and management. Included in these national standards is a requirement that "Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch." Since the primary source of shark fins is a result of bycatch in longline fisheries, the increased retention and increased mortality of sharks has caused concern among fisheries managers and environmental organizations.

The National Marine Fisheries Service has written to the Western Pacific Regional Fishery Management Council on several occasions urging the Council to stop the practice of shark finning which is prohibited in all other U.S. waters. While the Council has repeatedly rejected this recommendation, it did meet during the week of October 18, 1999. At that time, the members of the Council de-

bated the issue of shark finning and they agreed to reduce from 60,000 to 50,000 the number of sharks killed by the Hawaii longline fleet. The Committee believes that this measure is inadequate and that the Council must stop this wasteful practice.

#### COMMITTEE ACTION

H. Con. Res. 189 was introduced on September 27, 1999, by Congressman Randy (Duke) Cunningham (R-CA) and now has 11 cosponsors. H. Con. Res. 189 was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On October 21, 1999, the Subcommittee held a hearing on the bill. Testimony was heard from Congressman Cunningham; Dr. Andrew Rosenberg, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Mr. James D. Cook, Chairman, Western Pacific Regional Fishery Management Council; Mr. Russell Dunn, Assistant Director, Ocean Wildlife Campaign; Dr. Robert E. Hueter, Senior Scientist and Director, Center for Shark Research, Mote Marine Laboratory; and Ms. Brooke Burns, Actress, Baywatch Hawaii. Each witness, except for the Chairman of the Western Pacific Regional Fishing Management Council, testified in strong support of the resolution. In fact, the Administration witness stated that "NOAA believes that shark finning is wasteful and that shark finning should be prohibited in all U.S. waters."

On October 27, 1999, the Full Committee met to consider H. Con. Res. 189. The Subcommittee on Fisheries Conservation, Wildlife and Oceans was discharged from further consideration of the measure by unanimous consent. Delegate Eni Faleomavaega (D-AS) offered an amendment that expanded the coverage of the resolution by directing all federal and state agencies, and other management entities (including the Western Pacific Regional Fishing Management Council) with jurisdiction over those areas where shark finning now occurs to promptly and permanently end that practice. The amendment was adopted by voice vote. The resolution, as amended, was then favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides

that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H. Con. Res. 189—Expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning*

H. Con. Res. 189 would express the sense of the Congress that federal, state, and regional agencies should prohibit the practice of shark finning in federal and state waters in the Pacific Ocean and elsewhere. Shark finning is the practice of removing a shark's fins and dumping the carcass into the water. CBO estimates that H. Con. Res. 189 would have no impact on the federal budget. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

This staff contact is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.