

Calendar No. 675

115TH CONGRESS
2D SESSION

S. 793

[Report No. 115–388]

To prohibit sale of shark fins, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2017

Mr. BOOKER (for himself, Mrs. CAPITO, Ms. CANTWELL, Mr. MCCAIN, Mr. PETERS, Mr. INHOFE, Mr. WHITEHOUSE, Mr. WICKER, Mr. BLUMENTHAL, Mr. PORTMAN, Mr. SCHATZ, Mr. MERKLEY, Mr. TESTER, Mr. HEINRICH, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. MENENDEZ, Ms. BALDWIN, Mr. COONS, Mrs. FEINSTEIN, Mr. BROWN, Mr. CASEY, Ms. HARRIS, Mr. SANDERS, Mr. LEAHY, Mr. CARDIN, Mr. BOOZMAN, Mr. UDALL, Ms. HIRONO, Mr. DURBIN, Ms. DUCKWORTH, Mr. MURPHY, Mrs. MURRAY, Mr. KING, Mr. WYDEN, Mr. BENNET, Ms. CORTEZ MASTO, Mrs. SHAHEEN, Mr. CARPER, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 27, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To prohibit sale of shark fins, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Shark Fin Trade
3 Elimination Act of 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Sharks are critically important species for
7 their economic, cultural, and ecosystem value.

8 (2) Many shark populations are in peril world-
9 wide and are on the decline.

10 (3) One of the greatest threats to sharks is the
11 global trade in shark fins. It is estimated that fins
12 from as many as 73,000,000 sharks end up in the
13 global shark fin trade every year.

14 (4) Shark fins have no medicinal or nutritional
15 value.

16 (5) The trade in shark fins is primarily focused
17 on large coastal and pelagic species that grow slowly,
18 mature late, and have low reproduction rates.

19 (6) Shark fins are often removed and retained
20 while the remainder of a shark is discarded due to
21 the high market value of shark fins relative to other
22 parts of a shark.

23 (7) Shark fins are removed primarily to be com-
24 mercialized as a fungible commodity.

25 (8) Shark finning is the cruel practice in which
26 the fins of a shark are cut off on board a fishing

1 vessel at sea. The remainder of the animal is then
2 thrown back into the water to drown, starve, or die
3 a slow death.

4 (9) Although the United States has banned the
5 practice of shark finning aboard vessels in waters
6 controlled by the United States, there is no Federal
7 ban on the removal and sale of shark fins once the
8 fin is brought ashore.

9 (10) Once a shark fin is detached from the
10 body, it becomes impossible to determine whether
11 the shark was legally caught or the fin lawfully re-
12 moved.

13 (11) It is difficult to determine which species of
14 shark a fin was removed from, which is problematic
15 because some species are threatened with extinction.

16 (12) The States of Texas, Delaware, Hawaii, Il-
17 linois, Massachusetts, Maryland, New York, Oregon,
18 Rhode Island, California, and Washington and
19 American Samoa, Guam, and the North Mariana Is-
20 lands have implemented bans on the sale of shark
21 fins.

22 (13) Shark fins possessed, transported, offered
23 for sale, sold, or purchased anywhere in the United
24 States are part of a large international market, hav-

1 ing a substantial and direct effect on interstate com-
2 merce.

3 (14) Abolition of the shark fin trade in the
4 United States will remove the United States from
5 the global shark fin market and will put the United
6 States in a stronger position to advocate internation-
7 ally for abolishing the shark fin trade in other coun-
8 tries.

9 **SEC. 3. PROHIBITION ON SALE OF SHARK FINS.**

10 (a) PROHIBITION.—Except as provided in section 4,
11 no person shall possess, transport, offer for sale, sell, or
12 purchase shark fins or products containing shark fins.

13 (b) PENALTY.—A violation of subsection (a) shall be
14 treated as an act prohibited by section 307 of the Magnu-
15 son-Stevens Fishery Conservation and Management Act
16 (16 U.S.C. 1857) and shall be penalized pursuant to sec-
17 tion 308(a) of that Act (16 U.S.C. 1858(a)), except that
18 the maximum civil penalty for each violation shall be
19 \$100,000, or the fair market value of the shark fins in-
20 volved, whichever is greater.

21 **SEC. 4. EXCEPTIONS.**

22 A person may possess a shark fin that was taken law-
23 fully under a State, territorial, or Federal license or per-
24 mit to take or land sharks, if the shark fin is separated

1 from the shark in a manner consistent with the license
2 or permit and is—

3 (1) destroyed or discarded upon separation;

4 (2) used for noncommercial subsistence pur-
5 poses in accordance with State or territorial law; or

6 (3) used solely for display or research purposes
7 by a museum, college, or university, or other person
8 under a State or Federal permit to conduct non-
9 commercial scientific research.

10 **SEC. 5. DEFINITION OF SHARK FIN.**

11 In this Act, the term “shark fin” means—

12 (1) the raw or dried or otherwise processed de-
13 tached fin of a shark; or

14 (2) the raw or dried or otherwise processed de-
15 tached tail of a shark.

16 **SEC. 6. STATE AUTHORITY.**

17 Nothing in this Act may be construed to preclude,
18 deny, or limit any right of a State or territory to adopt
19 or enforce any regulation or standard that is more strin-
20 gent than a regulation or standard in effect under this
21 Act.

22 **SEC. 7. SEVERABILITY.**

23 If any provision of this Act or its application to any
24 person or circumstance is held invalid, the invalidity does
25 not affect other provisions or applications of this Act

1 which can be given effect without the invalid provision or
2 application, and to this end the provisions of this Act are
3 severable.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Shark Fin Trade Elimination Act of 2017”.*

7 **SEC. 2. FINDINGS.**

8 *Congress finds the following:*

9 (1) *Sharks are critically important species for*
10 *their economic, cultural, and ecosystem value.*

11 (2) *Many shark populations are in peril world-*
12 *wide and are on the decline.*

13 (3) *One of the greatest threats to sharks is the*
14 *global trade in shark fins. It is estimated that fins*
15 *from as many as 73,000,000 sharks end up in the*
16 *global shark fin trade every year.*

17 (4) *Shark fins have no medicinal or nutritional*
18 *value.*

19 (5) *The trade in shark fins is primarily focused*
20 *on large coastal and pelagic species that grow slowly,*
21 *mature late, and have low reproduction rates.*

22 (6) *Shark fins are often removed and retained*
23 *while the remainder of a shark is discarded due to the*
24 *high market value of shark fins relative to other parts*
25 *of a shark.*

1 (7) *Shark fins are removed primarily to be com-*
2 *mercialized as a fungible commodity.*

3 (8) *Shark finning is the cruel practice in which*
4 *the fins of a shark are cut off on board a fishing ves-*
5 *sel at sea. The remainder of the animal is then*
6 *thrown back into the water to drown, starve, or die*
7 *a slow death.*

8 (9) *Although the United States has banned the*
9 *practice of shark finning aboard vessels in waters*
10 *controlled by the United States, there is no Federal*
11 *ban on the removal and sale of shark fins once the fin*
12 *is brought ashore.*

13 (10) *Once a shark fin is detached from the body,*
14 *it becomes impossible to determine whether the shark*
15 *was legally caught or the fin lawfully removed.*

16 (11) *It is difficult to determine which species of*
17 *shark a fin was removed from, which is problematic*
18 *because some species are threatened with extinction.*

19 (12) *The States of Texas, Delaware, Hawaii, Il-*
20 *linois, Massachusetts, Maryland, New York, Oregon,*
21 *Rhode Island, California, and Washington and Amer-*
22 *ican Samoa, Guam, and the North Mariana Islands*
23 *have implemented bans on the sale of shark fins.*

24 (13) *Shark fins possessed, transported, offered for*
25 *sale, sold, or purchased anywhere in the United*

1 *States are part of a large international market, hav-*
2 *ing a substantial and direct effect on interstate com-*
3 *merce.*

4 *(14) Abolition of the shark fin trade in the*
5 *United States will remove the United States from the*
6 *global shark fin market and will put the United*
7 *States in a stronger position to advocate internation-*
8 *ally for abolishing the shark fin trade in other coun-*
9 *tries.*

10 **SEC. 3. PROHIBITION ON SALE OF SHARK FINS.**

11 *(a) PROHIBITION.—Except as provided in section 4,*
12 *no person shall possess, transport, offer for sale, sell, or pur-*
13 *chase shark fins or products containing shark fins.*

14 *(b) PENALTY.—A violation of subsection (a) shall be*
15 *treated as an act prohibited by section 307 of the Magnu-*
16 *son-Stevens Fishery Conservation and Management Act (16*
17 *U.S.C. 1857) and shall be penalized pursuant to section*
18 *308(a) of that Act (16 U.S.C. 1858(a)), except that the max-*
19 *imum civil penalty for each violation shall be \$100,000,*
20 *or the fair market value of the shark fins involved, which-*
21 *ever is greater.*

22 **SEC. 4. EXCEPTIONS.**

23 *A person may possess a shark fin that was taken law-*
24 *fully under a State, territorial, or Federal license or permit*
25 *to take or land sharks, if the shark fin is separated from*

1 *the shark in a manner consistent with the license or permit*
2 *and is—*

3 (1) *destroyed or discarded upon separation;*

4 (2) *used for noncommercial subsistence purposes*
5 *in accordance with State or territorial law;*

6 (3) *used solely for display or research purposes*
7 *by a museum, college, or university, or other person*
8 *under a State or Federal permit to conduct non-*
9 *commercial scientific research; or*

10 (4) *retained by the license or permit holder for*
11 *a noncommercial purpose.*

12 **SEC. 5. DOGFISH.**

13 (a) *IN GENERAL.—It shall not be a violation of section*
14 *3 for any person to possess, transport, offer for sale, sell,*
15 *or purchase any fresh or frozen raw fin or tail from any*
16 *stock of the species *Mustelus canis* (smooth dogfish) or*
17 **Squalus acanthias* (spiny dogfish).*

18 (b) *REPORT.—By not later than January 1, 2027, the*
19 *Secretary of Commerce shall review the exemption con-*
20 *tained in subsection (a) and shall prepare and submit to*
21 *Congress a report that includes a recommendation on*
22 *whether the exemption contained in subsection (a) should*
23 *continue or be terminated. In preparing such report and*
24 *making such recommendation, the Secretary shall analyze*
25 *factors including—*

1 (1) *the economic viability of dogfish fisheries*
2 *with and without the continuation of the exemption;*

3 (2) *the impact to ocean ecosystems of continuing*
4 *or terminating the exemption;*

5 (3) *the impact on enforcement of the ban con-*
6 *tained in section 3 caused by the exemption; and*

7 (4) *the impact of the exemption on shark con-*
8 *servation.*

9 **SEC. 6. DEFINITION OF SHARK FIN.**

10 *In this Act, the term “shark fin” means—*

11 (1) *the raw or dried or otherwise processed de-*
12 *tached fin of a shark; or*

13 (2) *the raw or dried or otherwise processed de-*
14 *tached tail of a shark.*

15 **SEC. 7. STATE AUTHORITY.**

16 *Nothing in this Act may be construed to preclude,*
17 *deny, or limit any right of a State or territory to adopt*
18 *or enforce any regulation or standard that is more stringent*
19 *than a regulation or standard in effect under this Act.*

20 **SEC. 8. SEVERABILITY.**

21 *If any provision of this Act or its application to any*
22 *person or circumstance is held invalid, the invalidity does*
23 *not affect other provisions or applications of this Act which*
24 *can be given effect without the invalid provision or applica-*
25 *tion, and to this end the provisions of this Act are severable.*

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