

115TH CONGRESS
1ST SESSION

S. 793

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, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

7 (4) Shark fins have no medicinal or nutritional
8 value.

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

12 (6) Shark fins are often removed and retained
13 while the remainder of a shark is discarded due to
14 the high market value of shark fins relative to other
15 parts of a shark.

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

18 (8) Shark finning is the cruel practice in which
19 the fins of a shark are cut off on board a fishing
20 vessel at sea. The remainder of the animal is then
21 thrown back into the water to drown, starve, or die
22 a slow death.

23 (9) Although the United States has banned the
24 practice of shark finning aboard vessels in waters
25 controlled by the United States, there is no Federal

1 ban on the removal and sale of shark fins once the
2 fin is brought ashore.

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

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

10 (12) The States of Texas, Delaware, Hawaii, Il-
11 linois, Massachusetts, Maryland, New York, Oregon,
12 Rhode Island, California, and Washington and
13 American Samoa, Guam, and the North Mariana Is-
14 lands have implemented bans on the sale of shark
15 fins.

16 (13) Shark fins possessed, transported, offered
17 for sale, sold, or purchased anywhere in the United
18 States are part of a large international market, hav-
19 ing a substantial and direct effect on interstate com-
20 merce.

21 (14) Abolition of the shark fin trade in the
22 United States will remove the United States from
23 the global shark fin market and will put the United
24 States in a stronger position to advocate internation-

1 ally for abolishing the shark fin trade in other coun-
 2 tries.

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

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

7 (b) PENALTY.—A violation of subsection (a) shall be
 8 treated as an act prohibited by section 307 of the Magnu-
 9 son-Stevens Fishery Conservation and Management Act
 10 (16 U.S.C. 1857) and shall be penalized pursuant to sec-
 11 tion 308(a) of that Act (16 U.S.C. 1858(a)), except that
 12 the maximum civil penalty for each violation shall be
 13 \$100,000, or the fair market value of the shark fins in-
 14 volved, whichever is greater.

15 **SEC. 4. EXCEPTIONS.**

16 A person may possess a shark fin that was taken law-
 17 fully under a State, territorial, or Federal license or per-
 18 mit to take or land sharks, if the shark fin is separated
 19 from the shark in a manner consistent with the license
 20 or permit and is—

- 21 (1) destroyed or discarded upon separation;
- 22 (2) used for noncommercial subsistence pur-
 23 poses in accordance with State or territorial law; or
- 24 (3) used solely for display or research purposes
 25 by a museum, college, or university, or other person

1 under a State or Federal permit to conduct non-
2 commercial scientific research.

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

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

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

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

9 **SEC. 6. STATE AUTHORITY.**

10 Nothing in this Act may be construed to preclude,
11 deny, or limit any right of a State or territory to adopt
12 or enforce any regulation or standard that is more strin-
13 gent than a regulation or standard in effect under this
14 Act.

15 **SEC. 7. SEVERABILITY.**

16 If any provision of this Act or its application to any
17 person or circumstance is held invalid, the invalidity does
18 not affect other provisions or applications of this Act
19 which can be given effect without the invalid provision or
20 application, and to this end the provisions of this Act are
21 severable.

○