

114TH CONGRESS
2D SESSION

S. 3095

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

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2016

Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. MCCAIN, Ms. CANTWELL, and Ms. MURKOWSKI) 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 2016”.

6 **SEC. 2. PROHIBITION ON SALE OF SHARK FINS.**

7 (a) PROHIBITION.—Except as provided in section 3,
8 no person shall possess, trade, distribute, ship, transport,
9 offer for sale, sell, purchase, import, or export shark fins
10 or products containing shark fins.

1 (b) PENALTY.—For purposes of section 308(a) of the
2 Magnuson-Stevens Fishery Conservation and Manage-
3 ment Act (16 U.S.C. 1858(a)), a violation of this section
4 shall be treated as an act prohibited by section 307 of
5 that Act (16 U.S.C. 1857).

6 **SEC. 3. EXCEPTIONS.**

7 A person may possess a shark fin that was taken law-
8 fully under a State, territorial, or Federal license or per-
9 mit to take or land sharks, if the shark fin is separated
10 from the shark in a manner consistent with the license
11 or permit and is—

12 (1) destroyed or discarded;

13 (2) retained by the license or permit holder for
14 a noncommercial purpose;

15 (3) used for noncommercial subsistence pur-
16 poses in accordance with State or territorial law; or

17 (4) used solely for display or research purposes
18 by a museum, college, or university, or other person
19 under a State or Federal permit to conduct non-
20 commercial scientific research.

21 **SEC. 4. DEFINITIONS.**

22 In this Act:

23 (1) IMPORT.—The term “import” has the same
24 meaning that term has under section 3 of the Mag-

1 nuson–Stevens Fishery Conservation and Manage-
2 ment Act (16 U.S.C. 1802).

3 (2) SHARK.—The term “shark”—

4 (A) except as provided in subparagraph
5 (B), means any species of the subclass
6 Elasmobranchii; and

7 (B) does not include—

8 (i) any stock of the species *Mustelus*
9 *canis* (smooth dogfish) or *Squalus*
10 *acanthias* (spiny dogfish) which is man-
11 aged pursuant to a fishery management
12 plan prepared under section 303 of the
13 Magnuson-Stevens Fishery Conservation
14 and Management Act (16 U.S.C. 1853); or

15 (ii) any species in the superorder
16 Batoidea that is managed pursuant to a
17 fishery management plan prepared under
18 section 303 of the Magnuson-Stevens Fish-
19 ery Conservation and Management Act (16
20 U.S.C. 1853).

21 (3) SHARK FIN.—The term “shark fin” means
22 the raw, dried, or otherwise processed detached fin
23 of a shark, or the raw, dried, or otherwise processed
24 detached tail of a shark.

1 **SEC. 5. STATE AUTHORITY.**

2 Nothing in this Act may be construed to preclude,
3 deny, or limit any right of a State or territory to adopt
4 or enforce any regulation or standard that is more strin-
5 gent than a regulation or standard in effect under this
6 Act.

○