

Suspend the Rules and Pass the Bill, H.R. 737, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 737

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. SABLAN (for himself, Mr. MCCAUL, Mr. BISHOP of Georgia, Ms. BONAMICI, Mr. BLUMENAUER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BUCHANAN, Mr. CALVERT, Mr. CARTWRIGHT, Mr. CHABOT, Mr. CRIST, Ms. DEGETTE, Mr. FITZPATRICK, Mr. GALLEGRO, Mr. GARAMENDI, Ms. HILL of California, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KATKO, Mr. KEATING, Mr. KENNEDY, Mr. KINZINGER, Ms. KUSTER of New Hampshire, Mr. LIPINSKI, Mr. LOWENTHAL, Mr. MCNERNEY, Mr. MITCHELL, Ms. NORTON, Mr. PANNETTA, Mr. PERLMUTTER, Mr. QUIGLEY, Mrs. RADEWAGEN, Mr. RASKIN, Mr. RESCHENTHALER, Ms. ROYBAL-ALLARD, Mr. RYAN, Mr. SCHWEIKERT, Mr. SMITH of Washington, Mr. SOTO, Mr. SUOZZI, Ms. TITUS, Mr. THOMPSON of California, Mrs. TORRES of California, Mr. VELA, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Mr. AGUILAR, Mr. RODNEY DAVIS of Illinois, Mr. GOMEZ, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To prohibit the 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 Sales Elimination Act of 2019”.

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

5 (a) PROHIBITION.—Except as provided in sections 3 and 4, no person shall possess, offer for sale, sell, or purchase any shark fin or product containing any shark fin.

8 (b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act.

13 **SEC. 3. EXEMPTION FOR TRADITIONAL FISHERIES, EDUCATION, AND SCIENCE.**

15 Section 2 shall not apply with respect to possession of a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

20 (1) destroyed or discarded upon separation;

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

23 (3) used solely for display or research purposes by a museum, college, or university, or by any other person under a State or Federal permit to conduct noncommercial scientific research; or

1 (4) retained by the license or permit holder for
2 a noncommercial purpose.

3 **SEC. 4. EXEMPTION FOR DOGFISH.**

4 (a) IN GENERAL.—It shall not be a violation of sec-
5 tion 2 for any person to possess, offer for sale, sell, or
6 purchase any fresh or frozen raw fin or tail from any stock
7 of the species *Mustelus canis* (smooth dogfish) or *Squalus*
8 *acanthias* (spiny dogfish).

9 (b) REPORT.—By not later than January 1, 2027,
10 the Secretary of Commerce should review the exemption
11 in subsection (a) and should prepare and submit to the
12 Congress a report that includes a recommendation on
13 whether the exemption should continue or be terminated.
14 In preparing such report and making such recommenda-
15 tion, the Secretary should analyze factors including—

16 (1) the economic viability of dogfish fisheries
17 with and without the continuation of the exemption;

18 (2) the impact to ocean ecosystems of con-
19 tinuing or terminating the exemption;

20 (3) the impact on enforcement of the ban con-
21 tained in section 3 caused by the exemption; and

22 (4) the impact of the exemption on shark con-
23 servation.

1 **SEC. 5. INCLUSION OF RAYS AND SKATES IN SEAFOOD**
2 **TRACEABILITY PROGRAM.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Secretary of Commerce shall revise
5 section 300.324 of title 50, Code of Federal Regulations,
6 to include rays and skates in the species and species
7 groups specified in subsection (a)(2) of such section.

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) SHARK.—The term “shark” means any spe-
11 cies of the orders Pristiophoriformes, Squatini-
12 formes, Squaliformes, Hexanchiformes, Lamni-
13 formes, Carchariniformes, Orectolobiformes, and
14 Heterodontiformes.

15 (2) SHARK FIN.—The term “shark fin” means
16 the raw, dried, or otherwise processed detached fin,
17 or the raw, dried, or otherwise processed detached
18 tail, of a shark.

19 **SEC. 7. STATE AUTHORITY.**

20 Nothing in this Act affects any right of a State or
21 territory of the United States to adopt or enforce any reg-
22 ulation or standard that is more stringent than a regula-
23 tion or standard in effect under this Act.

24 **SEC. 8. DETERMINATION OF BUDGET EFFECTS.**

25 The budgetary effects of this Act, for the purpose of
26 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement
2 titled “Budgetary Effects of PAYGO Legislation” for this
3 Act, submitted for printing in the Congressional Record
4 by the Chairman of the House Budget Committee, pro-
5 vided that such statement has been submitted prior to the
6 vote on passage.