

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**S. 1260**

A bill to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
Mr. Schatz and Ms. Capito

Viz:

1 At the end of title V, add the following:

2 **SEC. 508. SHARK FIN SALES ELIMINATION.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Shark Fin Sales Elimination Act of 2021”.

5 (b) **PROHIBITION ON SALE OF SHARK FINS.**—

6 (1) **PROHIBITION.**—Except as provided in sub-
7 section (c), no person shall possess, transport, offer
8 for sale, sell, or purchase shark fins or products con-
9 taining shark fins.

1 (2) PENALTY.—A violation of paragraph (1)
2 shall be treated as an act prohibited by section 307
3 of the Magnuson-Stevens Fishery Conservation and
4 Management Act (16 U.S.C. 1857) and shall be pe-
5 nalized pursuant to section 308(a) of that Act (16
6 U.S.C. 1858(a)), except that the maximum civil pen-
7 alty for each violation shall be \$100,000, or the fair
8 market value of the shark fins involved, whichever is
9 greater.

10 (c) EXCEPTIONS.—A person may possess a shark fin
11 that was taken lawfully under a State, territorial, or Fed-
12 eral license or permit to take or land sharks, if the shark
13 fin is separated from the shark in a manner consistent
14 with the license or permit and is—

15 (1) destroyed or discarded upon separation;

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

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

22 (4) retained by the license or permit holder for
23 a noncommercial purpose.

24 (d) DOGFISH.—

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

7 (2) REPORT.—By not later than January 1,
8 2027, the Secretary of Commerce shall review the
9 exemption contained in paragraph (1) and shall pre-
10 pare and submit to Congress a report that includes
11 a recommendation on whether the exemption con-
12 tained in paragraph (1) should continue or be termi-
13 nated. In preparing such report and making such
14 recommendation, the Secretary shall analyze factors
15 including—

16 (A) the economic viability of dogfish fish-
17 eries with and without the continuation of the
18 exemption;

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

21 (C) the impact on enforcement of the ban
22 contained in subsection (b) caused by the ex-
23 emption; and

24 (D) the impact of the exemption on shark
25 conservation.

1 (e) DEFINITION OF SHARK FIN.—In this section, the
2 term “shark fin” means—

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

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

7 (f) STATE AUTHORITY.—Nothing in this section may
8 be construed to preclude, deny, or limit any right of a
9 State or territory to adopt or enforce any regulation or
10 standard that is more stringent than a regulation or
11 standard in effect under this section.

12 (g) SEVERABILITY.—If any provision of this section
13 or its application to any person or circumstance is held
14 invalid, the invalidity does not affect other provisions or
15 applications of this section which can be given effect with-
16 out the invalid provision or application, and to this end
17 the provisions of this section are severable.