

**AMENDMENT TO H.R. 200, AS REPORTED  
OFFERED BY MR. WEBSTER OF FLORIDA**

Add at the end the following:

1 **TITLE \_\_\_\_\_—SUSTAINABLE**  
2 **SHARK FISHERIES AND**  
3 **TRADE ACT**

4 **SEC. \_\_01. SHORT TITLE.**

5 This title may be cited as the “Sustainable Shark  
6 Fisheries and Trade Act”.

7 **SEC. \_\_02. PURPOSE.**

8 The purpose of this title is to establish a certification  
9 process to ensure that foreign nations engaging in shark  
10 trade into or through the United States conserve and man-  
11 age populations of sharks in a manner that is comparable  
12 to regulatory programs in the United States and that ef-  
13 fectively prohibits the practice of removing shark fins and  
14 discarding the carcass at sea.

15 **SEC. \_\_03. SHARK CONSERVATION AND TRADE FAIRNESS**  
16 **CERTIFICATION.**

17 Section 610 of the High Seas Driftnet Fishing Mora-  
18 torium Protection Act (16 U.S.C. 1826k) is amended—

19 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “and”  
2 after the semicolon at the end;

3 (B) in paragraph (2), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(3) a nation if—

7 “(A) that nation or any individual or entity  
8 has imported shark products into the United  
9 States or seeks to import shark products into  
10 the United States; and

11 “(B) the nation has not sought and ob-  
12 tained, by not later than the effective date of  
13 subsection (g)(1), a certification from the Sec-  
14 retary under that subsection that the nation  
15 has in effect a regulatory program to provide  
16 for the conservation of sharks, including meas-  
17 ures to prohibit removal of any of the fins of  
18 a shark (including the tail) and discarding the  
19 carcass of the shark at sea, that is comparable  
20 to that of the United States.”;

21 (2) in subsection (b), in paragraphs (2) and  
22 (3), by striking “subsection (a)” each place it ap-  
23 pears and inserting “subsection (a)(1)”;

24 (3) in subsection (c)—

1 (A) in paragraph (1), by striking “sub-  
2 section (a)” and inserting “subsection (a)(1)”;  
3 and

4 (B) by adding at the end the following:

5 “(6) APPLICABILITY TO CERTAIN COUNTRIES.—

6 This subsection does not apply to a nation identified  
7 under subsection (a)(3).”;

8 (4) in subsection (d)—

9 (A) in paragraph (1), by inserting “or  
10 (g)” after “under subsection (c)”; and

11 (B) in paragraph (3), by inserting “or (g)”  
12 after “under subsection (c)”; and

13 (5) by adding at the end the following:

14 “(g) SHARK CONSERVATION AND TRADE FAIRNESS  
15 CERTIFICATION.—

16 “(1) PROHIBITION ON IMPORTATION.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), shark products shall not be  
19 imported into the United States unless the  
20 shark products are of a species of shark that  
21 were landed in a nation to which the Secretary  
22 has granted a certification or partial certifi-  
23 cation for such species under paragraph (2).

24 “(B) EXCEPTIONS.—Subparagraph (A)  
25 shall not apply to shark products that are—

1           “(i) traded, owned, held, or otherwise  
2           possessed by an employee or agent of a  
3           governmental agency for law enforcement  
4           purposes;

5           “(ii) used for noncommercial subsist-  
6           ence purposes in accordance with Federal,  
7           State, tribal, or territorial law;

8           “(iii) used solely for display, edu-  
9           cation, conservation, or research purposes,  
10          by an accredited zoo, aquarium, museum,  
11          college, or university; or

12          “(iv) used by any other person under  
13          a State or Federal permit to conduct non-  
14          commercial scientific research.

15          “(2) CERTIFICATIONS.—Pursuant to the regu-  
16          lations promulgated under paragraphs (3) and (5),  
17          the Secretary—

18                 “(A) shall grant a certification to any na-  
19                 tion that has adopted and effectively enforces  
20                 regulatory programs to provide for the con-  
21                 servation and management of sharks, and  
22                 measures to prohibit shark finning, that are  
23                 comparable to those of the United States; and

24                 “(B) may grant a partial certification for  
25                 one or more specific species of shark to a na-

1           tion if the Secretary determines that such na-  
2           tion—

3                   “(i) has adopted and effectively en-  
4                   forces regulatory programs that are com-  
5                   parable to the regulatory programs of the  
6                   United States to provide for the conserva-  
7                   tion and management of such species im-  
8                   ported into the United States or used to  
9                   produce the shark products imported into  
10                  the United States; and

11                   “(ii) has in effect an effective ban on  
12                   shark finning, that is comparable to that  
13                   of the United States.

14                  “(3) EXPIRATION; RENEWAL.—A certification  
15                  or partial certification issued under this sub-  
16                  section—

17                   “(A) shall be effective for no more than  
18                   three years after the date of issuance and

19                   “(B) may be renewed in accordance with  
20                   the provisions of this subsection relating to the  
21                   initial issuance of the certification.

22                  “(4) CERTAIN DETERMINATIONS.—The Sec-  
23                  retary shall make a determination with respect to  
24                  whether to renew under paragraph (3) or revoke  
25                  pursuant to paragraph (5)(A)(ii) a certification or

1 partial certification issued under this subsection, by  
2 not later than 180 days after the submission of the  
3 application for renewal or the petition for revocation,  
4 respectively.

5 “(5) REGULATIONS.—

6 “(A) IN GENERAL.—Not later than 2 years  
7 after the date of the enactment of the Sustain-  
8 able Shark Fisheries and Trade Act, the Sec-  
9 retary shall prescribe regulations under chapter  
10 5 of title 5, United States Code, governing the  
11 submission, evaluation, revocation, and renewal  
12 of applications for certifications and partial cer-  
13 tifications under paragraph (2).

14 “(B) CONTENT OF REGULATIONS.—Such  
15 regulations shall—

16 “(i) prescribe the content and format  
17 of applications and standards for informa-  
18 tion to be provided in such applications;  
19 and

20 “(ii) establish a process for petitioning  
21 the Secretary for revocation of the certifi-  
22 cation or partial certification of any nation,  
23 including standards for the information re-  
24 quired to be provided to demonstrate that  
25 the nation no longer meets the criteria es-

1           tablished under this paragraph for the cer-  
2           tification.

3           “(C) CRITERIA FOR CERTIFICATION OR  
4           PARTIAL CERTIFICATION.—The regulations pro-  
5           mulgated under subparagraph (A) shall estab-  
6           lish criteria for determining whether a nation  
7           has and effectively enforces regulatory pro-  
8           grams for the conservation and management of  
9           sharks, and measures to prohibit shark finning,  
10          that are comparable to those of the United  
11          States, including, at a minimum, a requirement  
12          that such programs—

13                 “(i) be consistent with the national  
14                 standards for fishery conservation and  
15                 management set forth in section 301(a) of  
16                 the Magnuson-Stevens Conservation and  
17                 Management Act (16 U.S.C. 1851(a));

18                 “(ii) provide for regularly updated  
19                 management plans, scientifically estab-  
20                 lished catch limits, and bycatch assess-  
21                 ments and minimization;

22                 “(iii) include a program to prevent  
23                 overfishing and to rebuild overfished  
24                 stocks;

1                   “(iv) require reporting and data col-  
2                   lection;

3                   “(v) be consistent with the Inter-  
4                   national Plan of Action for Conservation  
5                   and Management of Sharks of the United  
6                   Nations Food and Agriculture Organiza-  
7                   tion; and

8                   “(vi) include a mechanism to ensure  
9                   that, if the nation allows landings of  
10                  sharks by foreign vessels that are not sub-  
11                  ject to such programs of such nation, only  
12                  shark products that comply with such pro-  
13                  grams are exported to the United States.

14                  “(6) PUBLICATION; PUBLIC COMMENT.—The  
15                  Secretary shall—

16                  “(A) publish in the Federal Register notice  
17                  of applications, petitions, and decisions with re-  
18                  spect to certifications, renewal of certifications,  
19                  or revocation of certifications under this sub-  
20                  section; and

21                  “(B) provide an opportunity for public  
22                  comment with respect to such applications, peti-  
23                  tions, and decisions.

24                  “(7) FINAL AGENCY ACTION.—A decision of the  
25                  Secretary with respect to the issuance, renewal, or



1 revocation of a certification or partial certification  
2 under this subsection, and a failure to make a deter-  
3 mination required under paragraph (4), shall be con-  
4 sidered a final agency action for the purposes of  
5 chapter 7 of title 5, United States Code.

6 “(8) EFFECTIVE DATE.—Paragraph (1) shall  
7 take effect on the earlier of—

8 “(A) the date on which regulations are  
9 issued under paragraph (5); or

10 “(B) the date that is 3 years after the date  
11 of the date of the enactment of the Sustainable  
12 Shark Fisheries and Trade Act.

13 “(9) DEFINITIONS.—In this subsection:

14 “(A) SHARK.—The term ‘shark’ means  
15 any species of the subclass Elasmobranchii.

16 “(B) SHARK PRODUCT.—The term ‘shark  
17 product’ means a live shark; a whole shark; the  
18 meat, skin, oil, fin (including a wing or tail),  
19 gill raker, cartilage, jaw, tooth, or liver of a  
20 shark; or any product containing meat, skin,  
21 oil, a fin (including a wing or tail), gill raker,  
22 cartilage, jaw, tooth, or liver derived from a  
23 shark.

24 “(C) SHARK FINNING.—The term ‘shark  
25 finning’ means the removal of a shark’s fins, in-

1 including the tail, and discarding the remaining  
2 carcass of the shark at sea.”.

3 **SEC. \_\_04. ACTIONS TO STRENGTHEN INTERNATIONAL**  
4 **FISHERY MANAGEMENT ORGANIZATIONS.**

5 Section 608(a) of the High Seas Driftnet Fishing  
6 Moratorium Protection Act (16 U.S.C. 1826i(a)) is  
7 amended—

8 (1) in paragraph (1), by striking subparagraph  
9 (F), and inserting the following:

10 “(F) to adopt shark conservation and man-  
11 agement measures and measures to prevent  
12 shark finning, which are consistent with the  
13 International Plan of Action for Conservation  
14 and Management of Sharks of the Food and  
15 Agriculture Organization of the United Na-  
16 tions;”; and

17 (2) by striking paragraph (3), and inserting the  
18 following:

19 “(3) seeking to enter into international agree-  
20 ment that require measures for the conservation and  
21 management of sharks and measures to prevent  
22 shark finning, which are consistent with the Inter-  
23 national Plan of Action for Conservation and Man-  
24 agement of Sharks of the Food and Agriculture Or-  
25 ganization of the United Nations; and”.

1 **SEC. \_\_05. 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 that section.

8 **SEC. \_\_06. RULE OF CONSTRUCTION.**

9 Nothing in this title shall be construed to preempt  
10 any Federal or State law establishing additional or more  
11 stringent requirements than the requirements of sub-  
12 section (g) of section 610 of the High Seas Driftnet Fish-  
13 ing Moratorium Protection Act (16 U.S.C. 1826k), as  
14 added by section \_\_03.

