

111TH CONGRESS
1ST SESSION

H. R. 81

To amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. BORDALLO (for herself, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. FARR, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. INSLEE, Ms. LEE of California, Mrs. CAPPS, Mr. GONZALEZ, Mr. HOLT, Mr. GRIJALVA, and Mr. BROWN of South Carolina) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

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 Conservation
5 Act of 2009”.

1 **SEC. 2. AMENDMENT OF HIGH SEAS DRIFTNET FISHING**
2 **MORATORIUM PROTECTION ACT.**

3 Section 610(a) of the High Seas Driftnet Fishing
4 Moratorium Protection Act (16 U.S.C. 1826k(a)) is
5 amended—

6 (1) by striking so much as precedes paragraph
7 (1) and inserting the following:

8 “(a) IDENTIFICATION.—The Secretary shall identify,
9 and list in the report under section 607—

10 “(1) a nation if—”;

11 (2) in paragraph (1) by redesignating subpara-
12 graphs (A) and (B) as clauses (i) and (ii), respec-
13 tively;

14 (3) by redesignating paragraphs (1) through
15 (3) as subparagraphs (A) through (C), respectively;

16 (4) by moving subparagraphs (A) through (C)
17 (as so redesignated) 2 ems to the right;

18 (5) in subparagraph (C) (as so redesignated) by
19 striking the period at the end and inserting “; and”;
20 and

21 (6) by adding at the end the following:

22 “(2) a nation if—

23 “(A) fishing vessels of that nation are en-
24 gaged, or have been engaged during the pre-
25 ceding calendar year, in fishing activities or

1 practices that target or incidentally catch
2 sharks; and

3 “(B) the nation has not adopted a regu-
4 latory program to provide for the conservation
5 of sharks, including measures to prohibit re-
6 moval of any of the fins of a shark (including
7 the tail) and discarding the carcass of the shark
8 at sea, that is comparable to that of the United
9 States, taking into account different condi-
10 tions.”.

11 **SEC. 3. AMENDMENT OF MAGNUSON-STEVENSON FISHERY**
12 **CONSERVATION AND MANAGEMENT ACT.**

13 Section 307(1) of Magnuson-Stevens Fishery Con-
14 servation and Management Act (16 U.S.C. 1857(1)) is
15 amended—

16 (1) by amending subparagraph (P) to read as
17 follows:

18 “(P)(i) to remove any of the fins of a
19 shark (including the tail) at sea;

20 “(ii) to have custody, control, or possession
21 of any such fin aboard a fishing vessel unless
22 it is naturally attached to the corresponding
23 carcass;

24 “(iii) to transfer any such fin from one
25 vessel to another vessel at sea, or to receive any

1 such fin in such transfer, without the fin natu-
2 rally attached to the corresponding carcass; or

3 “(iv) to land any such fin that is not natu-
4 rally attached to the corresponding carcass, or
5 to land any shark carcass without such fins
6 naturally attached;”; and

7 (2) by striking the matter following subpara-
8 graph (R) and inserting the following:

9 “For purposes of subparagraph (P), there shall be
10 a rebuttable presumption that if any shark fin (in-
11 cluding the tail) is found aboard a vessel, other than
12 a fishing vessel, without being naturally attached to
13 the corresponding carcass, such fin was transferred
14 in violation of subparagraph (P)(iii) and that if,
15 after landing, the total weight of shark fins (includ-
16 ing the tail) landed from any vessel exceeds five per-
17 cent of the total weight of shark carcasses landed,
18 such fins were taken, held, or landed in violation of
19 subparagraph (P).”.

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