

111TH CONGRESS
1ST SESSION

H. R. 81

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2009

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Shark Conservation
3 Act of 2009”.

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

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

9 (1) by striking so much as precedes paragraph
10 (1) and inserting the following:

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

13 “(1) a nation if—”;

14 (2) in paragraph (1) by redesignating subpara-
15 graphs (A) and (B) as clauses (i) and (ii), respec-
16 tively;

17 (3) by redesignating paragraphs (1) through
18 (3) as subparagraphs (A) through (C), respectively;

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

21 (5) in subparagraph (C) (as so redesignated) by
22 striking the period at the end and inserting “; and”;
23 and

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

25 “(2) a nation if—

“(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices that target or incidentally catch sharks; and

“(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.”.

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

Section 307(1) of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

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

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

“(ii) to have custody, control, or possession of any such fin aboard a fishing

1 vessel unless it is naturally attached to the
2 corresponding carcass;

3 “(iii) to transfer any such fin from
4 one vessel to another vessel at sea, or to
5 receive any such fin in such transfer, with-
6 out the fin naturally attached to the cor-
7 responding carcass; or

8 “(iv) to land any such fin that is not
9 naturally attached to the corresponding
10 carcass, or to land any shark carcass with-
11 out such fins naturally attached;”; and

12 (2) by striking the matter following subpara-
13 graph (R) and inserting the following:

14 “For purposes of subparagraph (P), there shall be
15 a rebuttable presumption that if any shark fin (including
16 the tail) is found aboard a vessel, other than a fishing
17 vessel, without being naturally attached to the cor-
18 responding carcass, such fin was transferred in violation
19 of subparagraph (P)(iii) and that if, after landing, the
20 total weight of shark fins (including the tail) landed from
21 any vessel exceeds five percent of the total weight of shark

- 1 carcasses landed, such fins were taken, held, or landed in
- 2 violation of subparagraph (P).”.

Passed the House of Representatives March 2,
2009.

Attest: LORRAINE C. MILLER,
Clerk.