

111TH CONGRESS
1ST SESSION

S. 850

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 SENATE OF THE UNITED STATES

APRIL 22, 2009

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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

6 (1) in the matter preceding paragraph (1), by
7 striking “607, a nation if” and inserting “607—”;

8 (2) in paragraph (1)—

9 (A) by redesignating subparagraphs (A)
10 and (B) as clauses (i) and (ii), respectively; and

11 (B) by moving clauses (i) and (ii) (as so
12 redesignated) 2 ems to the right;

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

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

17 (5) by inserting before subparagraph (A) (as so
18 redesignated) the following:

19 “(1) a nation if—”;

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

23 (7) by adding at the end the following:

24 “(2) a nation if—

25 “(A) fishing vessels of that nation are en-
26 gaged, or have been engaged during the pre-

1 ceding calendar year, in fishing activities or
2 practices that target or incidentally catch
3 sharks; and

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

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

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

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

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

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

1 “(iii) to transfer any such fin from one
2 vessel to another vessel at sea, or to receive any
3 such fin in such transfer, without the fin natu-
4 rally attached to the corresponding carcass; or

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

9 (2) by striking the matter following subpara-
10 graph (R) and inserting the following:

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

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