

110TH CONGRESS  
2D SESSION

# H. R. 5741

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## 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 2008”.

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—

1           “(A) fishing vessels of that nation are en-  
2           gaged, or have been engaged during the pre-  
3           ceding calendar year, in fishing activities or  
4           practices that target or incidentally catch  
5           sharks; and

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

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

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

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

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

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

1           it is naturally attached to the corresponding  
2           carcass;

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

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

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

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

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

Passed the House of Representatives July 8, 2008.

Attest:

*Clerk.*

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