

106TH CONGRESS
2^D SESSION

H. R. 5461

To amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2000

Mr. CUNNINGHAM introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

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 Finning Prohi-
5 bition Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this title is to eliminate shark-finning
8 by addressing the problem comprehensively at both the na-
9 tional and international levels.

1 **SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DIS-**
2 **CARDING SHARK CARCASS AT SEA.**

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

6 (1) by striking “or” after the semicolon in sub-
7 paragraph (N);

8 (2) by striking “section 302(j)(7)(A).” in sub-
9 paragraph (O) and inserting “section 302(j)(7)(A);
10 or”; and

11 (3) by adding at the end the following:

12 “(P)(i) to remove any of the fins of a
13 shark (including the tail) and discard the car-
14 cass of the shark at sea;

15 “(ii) to have custody, control, or possession
16 of any such fin aboard a fishing vessel without
17 the corresponding carcass; or

18 “(iii) to land any such fin without the cor-
19 responding carcass.

20 “For purposes of subparagraph (P) there is a rebut-
21 table presumption that any shark fins landed from
22 a fishing vessel or found on board a fishing vessel
23 were taken, held, or landed in violation of subpara-
24 graph (P) if the total weight of shark fins landed or
25 found on board exceeds 5 percent of the total weight
26 of shark carcasses landed or found on board.”.

1 **SEC. 4. REGULATIONS.**

2 No later than 180 days after the date of enactment
3 of this Act, the Secretary of Commerce shall promulgate
4 regulations implementing the provisions of section
5 3076(1)(P) of the Magnuson-Stevens Fishery Conserva-
6 tion and Management Act (16 U.S.C. 1857(1)(P)), as
7 added by section 403 of this title.

8 **SEC. 5. INTERNATIONAL NEGOTIATIONS.**

9 The Secretary of Commerce, acting through the Sec-
10 retary of State, shall—

11 (1) initiate discussions as soon as possible for
12 the purpose of developing bilateral or multilateral
13 agreements with other nations for the prohibition on
14 shark-finning;

15 (2) initiate discussions as soon as possible with
16 all foreign governments which are engaged in, or
17 which have persons or companies engaged in shark-
18 finning, for the purposes of—

19 (A) collecting information on the nature
20 and extent of shark-finning by such persons
21 and the landing or transshipment of shark fins
22 through foreign ports; and

23 (B) entering into bilateral and multilateral
24 treaties with such countries to protect such spe-
25 cies;

1 (3) seek agreements calling for an international
2 ban on shark-finning and other fishing practices ad-
3 versely affecting these species through the United
4 Nations, the Food and Agriculture Organization's
5 Committee on Fisheries, and appropriate regional
6 fishery management bodies;

7 (4) initiate the amendment of any existing
8 international treaty for the protection and conserva-
9 tion of species of sharks to which the United States
10 is a party in order to make such treaty consistent
11 with the purposes and policies of this section;

12 (5) urge other governments involved in fishing
13 for or importation of shark or shark products to ful-
14 fill their obligations to collect biological data, such
15 as stock abundance and by-catch levels, as well as
16 trade data, on shark species as called for in the
17 1995 Resolution on Cooperation with FAO with Re-
18 gard to study on the Status of Sharks and By-Catch
19 of Shark Species; and

20 (6) urge other governments to prepare and sub-
21 mit their respective National Plan of Action for the
22 Conservation and Management of Sharks to the
23 2001 session of the FAO Committee on Fisheries, as
24 set forth in the International Plan of Action for the
25 Conservation and Management of Sharks.

1 **SEC. 6. REPORT TO CONGRESS.**

2 The Secretary of Commerce, in consultation with the
3 Secretary of State, shall provide to Congress, by not later
4 than 1 year after the date of enactment of this Act, and
5 every year thereafter, a report which—

6 (1) includes a list that identifies nations whose
7 vessels conduct shark-finning and details the extent
8 of the international trade in shark fins, including es-
9 timates of value and information on harvesting of
10 shark fins, and landings or transshipment of shark
11 fins through foreign ports;

12 (2) describes the efforts taken to carry out this
13 title, and evaluates the progress of those efforts;

14 (3) sets forth a plan of action to adopt inter-
15 national measures for the conservation of sharks;
16 and

17 (4) includes recommendations for measures to
18 ensure that United States actions are consistent
19 with national, international, and regional obligations
20 relating to shark populations, including those listed
21 under the Convention on International Trade in En-
22 dangered Species of Wild Flora and Fauna.

23 **SEC. 7. RESEARCH.**

24 The Secretary of Commerce, subject to the avail-
25 ability of appropriations authorized by section 410, shall
26 establish a research program for Pacific and Atlantic

1 sharks to engage in the following data collection and re-
2 search:

3 (1) The collection of data to support stock as-
4 sessments of shark populations subject to incidental
5 or directed harvesting by commercial vessels, giving
6 priority to species according to vulnerability of the
7 species to fishing gear and fishing mortality, and its
8 population status.

9 (2) Research to identify fishing gear and prac-
10 tices that prevent or minimize incidental catch of
11 sharks in commercial and recreational fishing.

12 (3) Research on fishing methods that will en-
13 sure maximum likelihood of survival of captured
14 sharks after release.

15 (4) Research on methods for releasing sharks
16 from fishing gear that minimize risk of injury to
17 fishing vessel operators and crews.

18 (5) Research on methods to maximize the utili-
19 zation of, and funding to develop the market for,
20 sharks not taken in violation of a fishing manage-
21 ment plan approved under section 303 or of section
22 307(1)(P) of the Magnuson-Stevens Fishery Con-
23 servation and Management Act (16 U.S.C. 1853,
24 1857(1)(P)).

1 (6) Research on the nature and extent of the
2 harvest of sharks and shark fins by foreign fleets
3 and the international trade in shark fins and other
4 shark products.

5 **SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERA-**
6 **TIVE RESEARCH PROGRAM.**

7 The National Marine Fisheries Service, in consulta-
8 tion with the Western Pacific Fisheries Management
9 Council, shall initiate a cooperative research program with
10 the commercial longlining industry to carry out activities
11 consistent with this title, including research described in
12 section 407 of this title. The service may initiate such
13 shark cooperative research programs upon the request of
14 any other fishery management council.

15 **SEC. 9. SHARK-FINNING DEFINED.**

16 In this Act, the term “shark-finning” means the tak-
17 ing of a shark, removing the fin or fins (whether or not
18 including the tail) of a shark, and returning the remainder
19 of the shark to the sea.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Sec-
22 retary of Commerce for fiscal years 2001 through 2005
23 such sums as are necessary to carry out this title.

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