

ENVIRONMENTAL ACTS

PUBLIC LAW 106-557—DEC. 21, 2000

Public Law 106-557
106th Congress

An Act

Dec. 21, 2000
[H.R. 5461]

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

Shark Finning
Prohibition Act.
16 USC 1822
note.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**

This Act may be cited as the “Shark Finning Prohibition Act”.

16 USC 1822
note.**SEC. 2. PURPOSE.**

The purpose of this Act is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

16 USC 1822
note.**SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.**

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

(1) by striking “or” after the semicolon in subparagraph (N);

(2) by striking “section 302(j)(7)(A).” in subparagraph (O) and inserting “section 302(j)(7)(A); or”; and

(3) by adding at the end the following:

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

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

“(iii) to land any such fin without the corresponding carcass.

For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.”.

16 USC 1822
note.
Deadline.**SEC. 4. REGULATIONS.**

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

16 USC 1822
note.**SEC. 5. INTERNATIONAL NEGOTIATIONS.**

The Secretary of Commerce, acting through the Secretary of State, shall—

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

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

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

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(B) entering into bilateral and multilateral treaties with such countries to protect such species;

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

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 6. REPORT TO CONGRESS.

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

16 USC 1822
note.

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

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

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

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

SEC. 7. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 10, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

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(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

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

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section

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303 or section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

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

16 USC 1822
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SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this Act, including research described in section 7 of this Act. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

16 USC 1822
note.

SEC. 9. SHARK-FINNING DEFINED.

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

16 USC 1822
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SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this Act.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 5461:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, considered and passed House.

Dec. 7, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Dec. 26, Presidential statement.