

112TH CONGRESS
2D SESSION

S. 3424

To prohibit the sale of billfish.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2012

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

A BILL

To prohibit the sale of billfish.

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 “Billfish Conservation
5 Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Billfish populations are severely depleted
9 and in need of greater protection.

10 (2) Billfish population declines are largely at-
11 tributable to overfishing by non-United States com-

1 commercial fishing fleets that harvest billfish as bycatch
2 while targeting other species.

3 (3) Commercial fisheries in the United States
4 do not target billfish.

5 (4) The current United States prohibition on
6 the commercial harvest and sale of billfish is limited
7 to Atlantic-caught fish.

8 (5) There are no existing conservation measures
9 that prohibit the importation of Pacific-caught bill-
10 fish.

11 (6) Billfish account for less than 0.1 percent of
12 the market value of United States seafood.

13 (7) The United States seafood market is highly
14 elastic and consumers have a large number of sus-
15 tainable seafood alternatives.

16 (8) Catch and release recreational angling for
17 billfish generates billions of dollars in economic ben-
18 efits to the United States economy each year.

19 (9) Prohibiting the sale of Pacific-caught bill-
20 fish in the continental United States will assist in
21 the recovery of billfish populations worldwide.

22 **SEC. 3. STATEMENT OF CONSTITUTIONAL AUTHORITY.**

23 The Congress enacts this Act pursuant to clause 3
24 of section 8 of article I of the Constitution.

1 **SEC. 4. PROHIBITION ON SALE OF BILLFISH.**

2 (a) PROHIBITION.—No person shall offer for sale,
3 sell, or have custody, control, or possession of for purposes
4 of offering for sale or selling billfish or products con-
5 taining billfish.

6 (b) PENALTY.—For purposes of section 308(a) of the
7 Magnuson-Stevens Fishery Conservation and Manage-
8 ment Act (16 U.S.C. 1858(a)), a violation of this section
9 shall be treated as an act prohibited by section 307 of
10 that Act (16 U.S.C. 1857).

11 (c) EXEMPTIONS FOR TRADITIONAL FISHERIES AND
12 MARKETS.—

13 (1) IN GENERAL.—Subsection (a) does not
14 apply to billfish—

15 (A) caught by United States vessels and
16 landed in the State of Hawaii or the Pacific In-
17 sular Area; or

18 (B) landed by foreign vessels in the Pacific
19 Insular Areas if the foreign caught billfish is
20 exported to markets outside the United States
21 or retained within the Pacific Insular Area for
22 local consumption.

23 (2) PACIFIC INSULAR AREA DEFINED.—In this
24 subsection, the term “Pacific Insular Area” has the
25 meaning given that term in section 3 of the Magnu-

1 son-Stevens Fishery Conservation and Management
 2 Act (16 U.S.C. 1802).

3 (d) BILLFISH DEFINED.—In this section, the term
 4 “billfish”—

5 (1) means any fish of the species—

6 (A) *Makaira nigricans* (blue marlin);

7 (B) *Kajikia audax* (striped marlin);

8 (C) *Istiompax indica* (black marlin);

9 (D) *Istiophorus platypterus* (sailfish);

10 (E) *Tetrapturus angustirostris* (shortbill
 11 spearfish);

12 (F) *Kajikia albida* (white marlin);

13 (G) *Tetrapturus georgii* (roundscale spear-
 14 fish);

15 (H) *Tetrapturus belone* (Mediterranean
 16 spearfish); and

17 (I) *Tetrapturus pfluegeri* (longbill spear-
 18 fish); and

19 (2) does not include the species *Xiphias gladius*
 20 (swordfish).

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