

111TH CONGRESS
2D SESSION

S. 3812

To prohibit trade in billfish and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2010

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

A BILL

To prohibit trade in billfish and for other purposes.

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 2010”.

6 **SEC. 2. STATEMENT OF CONSTITUTIONAL AUTHORITY.**

7 Congress enacts this Act pursuant to article I, section
8 8, clause 3 of the United States Constitution.

9 **SEC. 3. BILLFISH DEFINED.**

10 In this Act, the term “billfish”—

11 (1) means any fish of the species—

- 1 (A) *Istiompax indica* (black marlin);
 2 (B) *Istiophorus platypterus* (sailfish);
 3 (C) *Kajikia albida* (white marlin);
 4 (D) *Kajikia audax* (striped marlin);
 5 (E) *Makaira nigricans* (blue marlin);
 6 (F) *Tetrapturus angustirostris* (shortbill
 7 spearfish);
 8 (G) *Tetrapturus belone* (Mediterranean
 9 spearfish);
 10 (H) *Tetrapturus georgii* (roundscale spear-
 11 fish); and
 12 (I) *Tetrapturus pfluegeri* (longbill spear-
 13 fish); and
 14 (2) does not include the species *Xiphias gladius*
 15 (swordfish).

16 **SEC. 4. PROHIBITION ON TRADE IN BILLFISH.**

17 (a) PROHIBITION.—No person shall offer for sale,
 18 sell, import, or export, or have custody, control, or posses-
 19 sion of for purposes of offering for sale, selling, importing,
 20 or exporting, billfish or products containing billfish.

21 (b) PENALTY.—A violation of the prohibition in sub-
 22 section (a) shall be subject to penalty under section 308
 23 of the Magnuson-Stevens Fishery Conservation and Man-
 24 agement Act (16 U.S.C. 1858) and such a violation shall

1 be treated under such section 308 as an act prohibited
2 by section 307 of that Act (16 U.S.C. 1857).

○