

112TH CONGRESS
2D SESSION

H. R. 2706

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2012

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Billfish Conservation
3 Act of 2012”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United States carefully regulates its
7 domestic fisheries for billfish and participates in
8 international fishery management bodies in the At-
9 lantic and Pacific.

10 (2) Global billfish populations have declined sig-
11 nificantly, however, because of overfishing primarily
12 through retention of bycatch by non-United States
13 commercial fishing fleets.

14 (3) Ending the importation of foreign-caught
15 billfish for sale in the United States aligns with U.S.
16 management measures of billfish and protects the
17 significant economic benefits to the U.S. economy of
18 recreational fishing and marine commerce and the
19 traditional cultural fisheries.

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

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

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

24 (a) PROHIBITION.—No person shall offer for sale,
25 sell, or have custody, control, or possession of for purposes

1 of offering for sale or selling billfish or products con-
2 taining billfish.

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

8 (c) EXEMPTIONS FOR TRADITIONAL FISHERIES AND
9 MARKETS.—

10 (1) Subsection (a) does not apply to billfish
11 caught by US fishing vessels and landed in the State
12 of Hawaii or Pacific Insular Areas as defined in sec-
13 tion 3(35) of the Magnuson-Stevens Fishery Con-
14 servation and Management Act (16 U.S.C.
15 1802(35)).

16 (2) Subsection (a) does not apply to billfish
17 landed by foreign fishing vessels in the Pacific Insu-
18 lar Areas when the foreign caught billfish is ex-
19 ported to non-US markets or retained within Hawaii
20 and the Pacific Insular Areas for local consumption.

21 (d) BILLFISH DEFINED.—In this section the term
22 “billfish”—

23 (1) means any fish of the species—

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

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

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

Passed the House of Representatives September 10,
2012.

Attest:

KAREN L. HAAS,
Clerk.