

Union Calendar No. 474

112TH CONGRESS
2^D SESSION

H. R. 2706

[Report No. 112-656]

To prohibit the sale of billfish.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2011

Mr. MILLER of Florida (for himself, Mr. ROSS of Arkansas, Mr. SHULER, Mr. LATTA, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. BOREN, Mr. MICHAUD, and Mr. BONNER) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 10, 2012

Additional sponsors: Mr. ALEXANDER, Mr. COBLE, Mr. BUCHANAN, Mr. ROONEY, Mrs. NAPOLITANO, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. HEINRICH, Mr. HARRIS, Mr. PIERLUISI, Mr. FLORES, Mr. YOUNG of Alaska, Mr. SOUTHERLAND, Mr. LANDRY, Mr. PALAZZO, Mr. RIVERA, and Mr. KISSELL

SEPTEMBER 10, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on July 29, 2011]

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) The United States carefully regulates its do-*
9 *mestic fisheries for billfish and participates in inter-*
10 *national fishery management bodies in the Atlantic*
11 *and Pacific.*

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

16 *(3) Ending the importation of foreign-caught*
17 *billfish for sale in the United States aligns with U.S.*
18 *management measures of billfish and protects the sig-*
19 *nificant economic benefits to the U.S. economy of rec-*
20 *reational fishing and marine commerce and the tradi-*
21 *tional cultural fisheries.*

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

23 *The Congress enacts this Act pursuant to clause 3 of*
24 *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, sell,
3 or have custody, control, or possession of for purposes of
4 offering for sale or selling billfish or products containing
5 billfish.

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

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

13 (1) *Subsection (a) does not apply to billfish*
14 *caught by U.S. vessels and landed in the State of Ha-*
15 *waii or Pacific Insular Areas as defined in section*
16 *3(35) of the Magnuson-Stevens Fishery Conservation*
17 *and Management Act (16 U.S.C. 1802(35)).*

18 (2) *Subsection (a) does not apply to billfish*
19 *landed by foreign vessels in the Pacific Insular Areas*
20 *when the foreign caught billfish is exported to non-*
21 *U.S. markets or retained within the Pacific Insular*
22 *Areas for local consumption.*

23 (d) *BILLFISH DEFINED.*—In this section the term
24 “billfish”—

25 (1) *means any fish of the species—*

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

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

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