

112TH CONGRESS  
1ST SESSION

# S. 1451

To prohibit the sale of billfish.

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2011

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

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## 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 2011”.

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) EXEMPTION FOR TRADITIONAL FISHERIES AND  
12 MARKETS.—Subsection (a) does not apply to the State of  
13 Hawaii and Pacific Insular Area as defined in section  
14 3(35) of the Magnuson-Stevens Fishery Conservation and  
15 Management Act (16 U.S.C. 1802(35)), except that bill-  
16 fish may be sold under this exemption only in Hawaii and  
17 the Pacific Insular Area.

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

20 (1) means any fish of the species—

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

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

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

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

25 (E) *Tetrapturus angustirostris* (shortbill  
26 spearfish);

- 1 (F) *Kajikia albida* (white marlin);  
2 (G) *Tetrapturus georgii* (roundscale spear-  
3 fish);  
4 (H) *Tetrapturus belone* (Mediterranean  
5 spearfish); and  
6 (I) *Tetrapturus pfluegeri* (longbill spear-  
7 fish); and  
8 (2) does not include the species *Xiphias gladius*  
9 (swordfish).

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