



NOAA
FISHERIES

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Billfish Conservation Act

The Billfish Conservation Act of 2012, P.L. 112-183 (the Act), was originally signed into law on October 5, 2012. An amendment to the Act was signed into law on August 2, 2018, P.L. 115-228.

In general, except for two specific exemptions (sec 4(c)(1) and 4(c)(2)), the Act prohibits any person from offering billfish or billfish products for sale, selling them, or having custody, control, or possession of them for purposes of offering them for sale (sec 4(a)).

Violations (sec. 4(b)) are treated as an act prohibited by section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Act, as amended, provides two exemptions to the general prohibition on sale:

- Billfish caught by U.S. fishing vessels and landed and retained in Hawaii or Pacific Insular Areas (as defined under the MSA) are exempt from the general prohibitions on sale and custody with the intent to sell (sec. 4(c)(1)); and
- Billfish landed by foreign vessels in the Pacific Insular Areas and exported to markets outside the U.S. or retained within Hawaii and the Pacific Insular Areas for local consumption are exempt from the general prohibitions on sale and custody with the intent to sell (sec. 4(c)(2)).

The 2018 amendment added “and retained” to sec. 4(c)(1). This clarifies that billfish are only exempted from the sales prohibition when they are retained in Hawaii or the Pacific Insular Areas. Accordingly, such billfish may only be sold in the same location where landed or when legally transported to the other exempted location (i.e., from Hawaii to the Pacific Insular Areas or vice versa). The new prohibition became effective when the legislation was signed into law on August 2, 2018.

The Billfish Conservation Act (sec. 4(d)(1)) defines “billfish” as any:

1. blue marlin
2. striped marlin
3. black marlin
4. sailfish
5. shortbill spearfish
6. white marlin
7. roundscale spearfish
8. Mediterranean spearfish
9. longbill spearfish

Swordfish are exempted from the definition of billfish (sec. 4(d)(2)).