

# **Saving Nemo Act**

## **Section-By-Section Summary**

### **SEC. 1. Short Title**

### **SEC. 2. PROHIBITION WITH RESPECT TO CERTAIN CORAL REEF SPECIES**

#### **Subsection A.**

Designates which species are covered by this Act.

- Any species of coral or ornamental reef fish currently listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- Any species subsequently added to Appendix II after the effective date of this act.
- Any species of coral or ornamental reef fish that are determined by the Secretaries of the Interior and Commerce to present a substantial risk of harm to the sustainability of the species or result in high mortality rates for the species due to poor survivorship in transport or captivity.

Establishes process for the removal of a species designation.

- The Secretary of the Interior can remove the designation of a covered species if they determine jointly with the Secretary of Commerce that it does not represent a substantial risk to the sustainability of the species or coral reef ecosystem.

#### **Subsection B. Prohibitions under this act.**

- It is unlawful to take any covered species within waters under the jurisdiction of the United States.
- Import into or export from the United States any covered species.
- Makes unlawful the possession, sale, purchase, transport or receipt of any covered species through interstate or foreign commerce taken or imported in violation of this section.

#### **Subsection C. Exceptions under this act.**

- In general Subsection will not apply to covered species taken in accordance with a qualified scientifically based management plan for that species, a product of a qualified cooperative breeding program or qualified aquaculture or mariculture facility.
- Taken pursuant to authorization by the Secretary of Commerce or imported/exported pursuant to authorization by the Secretary of the Interior for scientific, museum, breeding or display purposes.
- Taken incidentally if such take is exempted by the Secretaries of Interior and Commerce jointly pursuant to an incidental take permit.
- Also lays out exceptions for personal consumption by an individual if the taking is customary, traditional or necessary for the subsistence of the individual or their family.

- All above exceptions shall not apply if the species was taken using destructive collective practices or imported/exported without certification that the species was not taken using any destructive collective practices.

#### **Subsection D. Enforcement and Penalties.**

- Civil Penalties: Individuals found to be in violation of this act may be subject to a civil penalty of up to \$25,000 for each violation. The penalty amount will be determined by the nature of the violation, value of the species subject to the violation, any previous violations or other relevant factors determined by the Secretaries.
- Criminal Penalties: Individuals in violation of this act shall be fined, imprisoned for not more than 6 months or both. Persons knowingly engaged in business as an importer or exporter of a covered species or making false statements regarding the certification of covered species will face fines and up to 2 years imprisonment.
- Rewards: From the sums received as penalties, fines or forfeitures, the Secretaries may reward any person that furnishes information leading to arrest, conviction or penalty of anyone in violation of this act. Government officials are ineligible to receive rewards.
- Executive Branch Enforcement: Any person authorized by the Secretary of the Interior, the Treasury, Commerce or the Secretary of the Department which the Coast Guard is operating in is able to search and seize covered species taken, transported or sold in violation of this act.
- Seized covered species will be held by any person authorized pending the outcome of civil or criminal proceedings. If the owner forfeits or abandons such property, it shall be disposed of in a manner consistent with the purposes of this act.
- Forfeiture: Included in the forfeiture of the covered species, all equipment used to aid in the violation of this act (guns, traps, nets, vessels and vehicles) is also subject to forfeiture to the U.S.

#### **Subsection E. Definitions**

- Defines appropriate secretary, covered coral reef species, destructive collection practice, ornamental reef species, qualified aquaculture or mariculture facility, qualified cooperative breeding program and qualified scientifically-based management plan.