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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the sale of kangaroo products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARBAJAL introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit the sale of kangaroo products, and for other
purposes.

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 “Kangaroo Protection
5 Act of 2021”.

6 **SEC. 2. PROHIBITED ACTS WITH RESPECT TO KANGAROOS.**

7 (a) IN GENERAL.—Chapter 3 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

1 **“SEC. 50. PROHIBITED ACTS WITH RESPECT TO KAN-**
2 **GAROOS.**

3 “(a) IN GENERAL.—No person may knowingly—

4 “(1) bring into the United States for commer-
5 cial purposes, possess with the intent to sell, or sell
6 a kangaroo (as defined by subsection (h)); or

7 “(2) introduce into interstate commerce, manu-
8 facture for introduction into interstate commerce,
9 sell, trade, or advertise in interstate commerce, offer
10 to sell, or transport or distribute in interstate com-
11 merce, any kangaroo product (as defined by sub-
12 section (h)).

13 “(b) CRIMINAL PENALTIES.—Any person who vio-
14 lates any provision of this section shall be subject to a
15 criminal penalty of not more than—

16 “(1) one year in prison for each prohibited ac-
17 tion under subsection (a); or

18 “(2) \$10,000 for each prohibited action under
19 subsection (a).

20 “(c) CIVIL PENALTY.—Any person who violates any
21 provision of this section may be assessed a civil penalty
22 of not more than \$10,000 for each prohibited action under
23 subsection (a).

24 “(d) FORFEITURE.—Any kangaroo or kangaroo
25 product (as defined by subsection (h)) found to be used

1 by a person in violation of subsection (a), shall be subject
2 to forfeiture to the United States.

3 “(e) REGULATIONS.—The Secretary of the Interior,
4 in consultation with the Attorney General, the Secretary
5 of Commerce, the Secretary of Agriculture, or any other
6 agency the Secretary of the Interior determines necessary
7 for consultation, may issue regulations appropriate to
8 carry out this Act.

9 “(f) ENFORCEMENT.—The Secretary of the Interior,
10 in consultation with the Attorney General, the Secretary
11 of Commerce, the Secretary of Agriculture, or any other
12 agency the Secretary of the Interior determines necessary
13 for consultation, shall enforce this Act or any regulation
14 implemented pursuant to this Act.

15 “(g) CITIZEN SUIT.—(1) Except as provided in para-
16 graph (3), any person may commence a civil suit on their
17 own behalf—

18 “(A) to enjoin any person, including the
19 United States and any other governmental in-
20 strumentality or agency (to the extent per-
21 mitted by the eleventh amendment to the Con-
22 stitution), who is alleged to be in violation of
23 any provision of this section or regulation
24 issued under the authority thereof; or

1 “(B) against the Secretary of the Interior
2 where there is alleged a failure of the Secretary
3 to perform any act or duty under this section
4 which is not discretionary with the Secretary.

5 “(2) The district courts shall have jurisdiction,
6 without regard to the amount in controversy or the
7 citizenship of the parties, to enforce any such provi-
8 sion or regulation, or to order the Secretary of the
9 Interior to perform such act or duty, as the case
10 may be.

11 “(3)(A) No action may be commenced under
12 paragraph (1)(A) of this section—

13 “(i) prior to sixty days after written notice
14 of the violation has been given to the Secretary,
15 and to any alleged violator of any such provi-
16 sion or regulation;

17 “(ii) if the United States has commenced
18 action to impose a civil penalty pursuant to this
19 section; or

20 “(iii) if the United States has commenced
21 and is diligently prosecuting a criminal action
22 in a court of the United States or a State to
23 redress a violation of any such provision or reg-
24 ulation.

1 “(B) No action may be commenced under sub-
2 paragraph (1)(B) of this section prior to sixty days
3 after written notice has been given to the Secretary.

4 “(4)(A) Any suit under this subsection may be
5 brought in the judicial district in which the violation
6 occurs.

7 “(B) In any such suit under this subsection in
8 which the United States is not a party, the Attorney
9 General, at the request of the Secretary of the Inte-
10 rior, may intervene on behalf of the United States
11 as a matter of right.

12 “(5) The court, in issuing any final order in
13 any suit brought pursuant to paragraph (1) of this
14 subsection, may award costs of litigation (including
15 reasonable attorney and expert witness fees) to any
16 party, whenever the court determines such award is
17 appropriate.

18 “(6) Any injunctive relief provided under this
19 subsection shall not restrict any right which any per-
20 son (or class of persons) may have under any statute
21 or common law to seek enforcement of any standard
22 or limitation or to seek any other relief (including
23 relief against the Secretary or a State agency).

24 “(h) DEFINITIONS.—In this section:

1 “(1) KANGAROO.—The term ‘kangaroo’ means
2 any dead animal of the species or a part of any dead
3 animal of the species *Osphranter rufus* (commonly
4 known as the ‘red kangaroo’), *Macropus giganteus*
5 (commonly known as the ‘eastern grey kangaroo’),
6 *Macropus fuliginosus* (commonly known as the ‘west-
7 ern grey kangaroo’), or *Osphranter robustus* (com-
8 monly known as the ‘common wallaroo kangaroo’).

9 “(2) KANGAROO PRODUCT.—The term ‘kan-
10 garoo product’ means any item that is composed in
11 whole or in part of a kangaroo.

12 “(3) PERSON.—The term ‘person’ includes any
13 individual, partnership, association, corporation,
14 trust, or any officer, employee, agent, department,
15 or instrumentality of the Federal Government or of
16 any State or political subdivision thereof, or any
17 other entity subject to the jurisdiction of the United
18 States.

19 “(4) UNITED STATES.—The term ‘United
20 States’, when used in a geographical context, means
21 each of the several States of the United States, the
22 District of Columbia, and territories and possessions
23 of the United States.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 of chapter 3 of title 18, United States Code, is amended

1 by inserting after the item relating to section 49 the fol-
2 lowing:

“50. Prohibited acts with respect to kangaroos.”.

3 (c) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date that is 180
5 days after the date of the enactment of this Act.