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:
“SEC. 50. PROHIBITED ACTS WITH RESPECT TO KANGAROOS.

“(a) In General.—No person may knowingly—

“(1) bring into the United States for commercial purposes, possess with the intent to sell, or sell a kangaroo (as defined by subsection (h)); or

“(2) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce, any kangaroo product (as defined by subsection (h)).

“(b) Criminal Penalties.—Any person who violates any provision of this section shall be subject to a criminal penalty of not more than—

“(1) one year in prison for each prohibited action under subsection (a); or

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

“(c) Civil Penalty.—Any person who violates any provision of this section may be assessed a civil penalty of not more than $10,000 for each prohibited action under subsection (a).

“(d) Forfeiture.—Any kangaroo or kangaroo product (as defined by subsection (h)) found to be used
by a person in violation of subsection (a), shall be subject
to forfeiture to the United States.

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

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

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

“(A) to enjoin any person, including the
United States and any other governmental in-
strumentality or agency (to the extent per-
mitted by the eleventh amendment to the Con-
stitution), who is alleged to be in violation of
any provision of this section or regulation
issued under the authority thereof; or
“(B) against the Secretary of the Interior where there is alleged a failure of the Secretary to perform any act or duty under this section which is not discretionary with the Secretary.

“(2) The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation, or to order the Secretary of the Interior to perform such act or duty, as the case may be.

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

“(i) prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation;

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

“(iii) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of any such provision or regulation.
“(B) No action may be commenced under subparagraph (1)(B) of this section prior to sixty days after written notice has been given to the Secretary.

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

“(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary of the Interior, may intervene on behalf of the United States as a matter of right.

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

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

“(h) DEFINITIONS.—In this section:
“(1) **KANGAROO.**—The term ‘kangaroo’ means any dead animal of the species or a part of any dead animal of the species *Osphranter rufus* (commonly known as the ‘red kangaroo’), *Macropus giganteus* (commonly known as the ‘eastern grey kangaroo’), *Macropus fuliginosus* (commonly known as the ‘western grey kangaroo’), or *Osphranter robustus* (commonly known as the ‘common wallaroo kangaroo’).

“(2) **KANGAROO PRODUCT.**—The term ‘kangaroo product’ means any item that is composed in whole or in part of a kangaroo.

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

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

(b) **CLERICAL AMENDMENT.**—The table of contents of chapter 3 of title 18, United States Code, is amended
by inserting after the item relating to section 49 the fol-
lowing:

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

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