

117TH CONGRESS  
1ST SESSION

# H. R. 917

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

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2021

Mr. CARBAJAL (for himself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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  
7           ‘western grey kangaroo’), or *Osphranter robustus*  
8           (commonly known as the ‘common wallaroo kan-  
9           garoo’).

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

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

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

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

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

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

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