

118TH CONGRESS  
1ST SESSION

# S. 1529

To amend the Animal Welfare Act to provide for greater protection of roosters, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 10, 2023

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Animal Welfare Act to provide for greater protection of roosters, 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 “Fighting Inhumane  
5 Gambling and High-risk Trafficking Act of 2023” or the  
6 “FIGHT Act of 2023”.

7 **SEC. 2. ANIMAL FIGHTING.**

8 (a) DEFINITION OF ROOSTER.—Section 2 of the Ani-  
9 mal Welfare Act (7 U.S.C. 2132) is amended by adding  
10 at the end the following:

1 “(p) The term ‘rooster’ means any male member of  
2 Gallus Domesticus species that is older than 6 months.”.

3 (b) ANIMAL FIGHTING VENTURE SIMULCASTING  
4 PROHIBITED.—Section 26 of the Animal Welfare Act (7  
5 U.S.C. 2156) is amended—

6 (1) by striking the section designation and  
7 header and all that follows through “It shall be un-  
8 lawful” in subsection (a)(2) and inserting the fol-  
9 lowing:

10 **“SEC. 26. SPONSORING OR EXHIBITING AN ANIMAL IN, AT-**  
11 **TENDING, CAUSING A MINOR TO ATTEND, OR**  
12 **SIMULCASTING AN ANIMAL FIGHTING VEN-**  
13 **TURE.**

14 “(a) SPONSORING OR EXHIBITING.—

15 “(1) IN GENERAL.—It shall be unlawful for any  
16 person to knowingly sponsor or exhibit an animal in  
17 an animal fighting venture.

18 “(2) ATTENDING OR CAUSING AN INDIVIDUAL  
19 WHO HAS NOT ATTAINED THE AGE OF 16 TO AT-  
20 TEND.—It shall be unlawful”; and

21 (2) in subsection (a), by adding at the end the  
22 following:

23 “(3) ANIMAL VENTURE SIMULCASTING.—It  
24 shall be unlawful for any person to transmit or re-

1 ceive in any State simulcasting of an animal fighting  
2 venture.”.

3 (c) USE OF POSTAL SERVICE OR OTHER INTER-  
4 STATE INSTRUMENTALITY TO TRANSPORT ROOSTERS.—  
5 Section 26(c) of the Animal Welfare Act (7 U.S.C.  
6 2156(c)) is amended—

7 (1) in the subsection heading, by inserting “OR  
8 TO TRANSPORT ROOSTERS” after “VENTURE”;

9 (2) by striking “speech for purposes of adver-  
10 tising” and inserting the following: “speech—

11 “(1) for purposes of advertising”;

12 (3) in paragraph (1) (as so designated), by  
13 striking the period at the end and inserting “; or”;  
14 and

15 (4) by adding at the end the following:

16 “(2) to transport a rooster.”.

17 (d) CIVIL CITIZEN SUITS; SEIZURE.—Section 26(e)  
18 of the Animal Welfare Act (7 U.S.C. 2156(e)) is amend-  
19 ed—

20 (1) by striking the subsection designation and  
21 heading and all that follows through “The Secretary  
22 or any other person authorized by him” in the first  
23 sentence and inserting the following:

24 “(e) INVESTIGATIONS; CIVIL CITIZEN SUITS.—

1           “(1) INVESTIGATION OF VIOLATIONS BY SEC-  
2           RETARY; ASSISTANCE BY OTHER FEDERAL AGEN-  
3           CIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE;  
4           COST RECOVERABLE IN FORFEITURE OR CIVIL AC-  
5           TION.—The Secretary, or any other person author-  
6           ized by the Secretary,”; and

7           (2) by adding at the end the following:

8           “(2) CIVIL CITIZEN SUITS.—

9           “(A) IN GENERAL.—Any person may com-  
10           mence a civil suit in a district court of the  
11           United States on their own behalf to enjoin any  
12           person who is alleged to be in violation of any  
13           provision of this section.

14           “(B) AMOUNT OF FINE.—For any person  
15           found to have violated a provision of this sec-  
16           tion in any suit brought under subparagraph  
17           (A), the district court may issue a fine in an  
18           amount not greater than \$5,000 for each viola-  
19           tion.

20           “(C) REQUIREMENT.—A person seeking to  
21           commence a civil suit under subparagraph (A)  
22           shall, at least 60 days before commencing the  
23           suit, submit to the Secretary and to the alleged  
24           violinator written notice of the alleged violation of  
25           a provision of this section.

1           “(D) LIMITATION.—No action may be  
2 commenced under subparagraph (A)—

3           “(i) if the Secretary has commenced  
4 an action against the same person to im-  
5 pose a penalty pursuant to paragraph (1)  
6 for the same alleged violation; or

7           “(ii) if the United States has com-  
8 menced, and is diligently prosecuting, a  
9 criminal action against the same person in  
10 a State or Federal court to redress the  
11 same alleged violation.

12           “(E) JURISDICTION.—A suit under this  
13 paragraph may be brought in the judicial dis-  
14 trict in which the alleged violation occurred.

15           “(F) INTERVENTION.—The Attorney Gen-  
16 eral, at the request of the Secretary, may inter-  
17 vene on behalf of the United States as a matter  
18 of right in any civil suit brought under subpara-  
19 graph (A).

20           “(G) ATTORNEY’S FEES.—The court, in  
21 issuing any final order in any suit brought  
22 under subparagraph (A), may award costs of  
23 litigation (including reasonable attorney and ex-  
24 pert witness fees) to any party, whenever the  
25 court determines such an award is appropriate.

1           “(3) SEIZURE.—Whoever is found, pursuant to  
 2           an investigation under paragraph (1), to have vio-  
 3           lated subsection (a)(1) shall, in addition to the pen-  
 4           alties applicable under paragraph (1), be subject to  
 5           seizure of all real property, including any right, title,  
 6           and interest (including any leasehold interest) in the  
 7           whole of any lot or tract of land and any appur-  
 8           tenances or improvements, that is used, or intended  
 9           to be used, in any manner or part, to commit, or to  
 10          facilitate the commission of, a violation of subsection  
 11          (a)(1).”.

12          (e) TECHNICAL CORRECTIONS.—

13           (1) Section 26(h) of the Animal Welfare Act (7  
 14          U.S.C. 2156(h)) is amended to read as follows:

15          “(h) CONFLICT WITH STATE LAW.—The provisions  
 16          of this Act shall not supersede or otherwise invalidate any  
 17          such State, local, or municipal legislation or ordinance re-  
 18          lating to animal fighting ventures except in case of a direct  
 19          and irreconcilable conflict between any requirements  
 20          thereunder and this Act or any rule, regulation, or stand-  
 21          ard hereunder.”.

22           (2) Section 3001(a) of title 39, United States  
 23          Code, is amended by inserting “(7 U.S.C. 2156),”  
 24          before “is nonmailable”.

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