

117TH CONGRESS
2D SESSION

H. R. 9309

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2022

Mrs. AXNE (for herself, Mr. BACON, Mr. AMODEI, Mr. CARTER of Louisiana, Mr. CARTER of Georgia, Mr. FITZPATRICK, Ms. MACE, Mr. MCGOVERN, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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. DEFINITION OF ROOSTER.**

4 Section 2 of the Animal Welfare Act (7 U.S.C. 2132)
5 is amended by adding at the end the following:

6 “(p) The term ‘rooster’ means any male member of
7 *Gallus Domesticus* species older than 6 months.”.

1 **SEC. 2. USE OF POSTAL SERVICE OR OTHER INTERSTATE**
 2 **INSTRUMENTALITY TO TRANSPORT ROOST-**
 3 **ERS.**

4 Section 26(c) of the Animal Welfare Act (7 U.S.C.
 5 2156(c)) is amended—

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

9 (2) by striking “for purposes of advertising”
 10 and inserting the following:

11 “(1) for purposes of advertising”;

12 (3) by striking “United States.” and inserting
 13 “United States; or”; and

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

15 “(2) to transport a rooster.”.

16 **SEC. 3. ANIMAL FIGHTING VENTURE SIMULCASTING PRO-**
 17 **HIBITED.**

18 Section 26(a) of the Animal Welfare Act (7 U.S.C.
 19 2156(a)) is amended—

20 (1) in the subsection heading by striking
 21 “SPONSORING OR EXHIBITING AN ANIMAL IN, AT-
 22 TENDING, OR CAUSING AN INDIVIDUAL WHO HAS
 23 NOT ATTAINED THE AGE OF 16 TO ATTEND, AN
 24 ANIMAL FIGHTING VENTURE” and inserting the fol-
 25 lowing: “SPONSORING OR EXHIBITING AN ANIMAL
 26 IN, ATTENDING, CAUSING A MINOR TO ATTEND, OR

1 SIMULCASTING AN ANIMAL FIGHTING VENTURE”;
 2 and

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

4 “(3) ANIMAL VENTURE SIMULCASTING.—No
 5 person shall transmit or receive international, inter-
 6 state or intrastate simulcasting of an animal fight-
 7 ing venture in the United States or any territory of
 8 the United States.”.

9 **SEC. 4. CIVIL CITIZEN SUITS; SEIZURE.**

10 Section 26(e) of the Animal Welfare Act (7 U.S.C.
 11 2156(e)) is amended—

12 (1) by striking “INVESTIGATION OF VIOLA-
 13 TIONS BY SECRETARY;” and all that follows through
 14 “The Secretary or any other person authorized by
 15 him” and inserting the following:

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

17 “(1) INVESTIGATION OF VIOLATIONS BY SEC-
 18 RETARY; ASSISTANCE BY OTHER FEDERAL AGEN-
 19 CIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE;
 20 COSTS RECOVERABLE IN FORFEITURE OR CIVIL AC-
 21 TION.—The Secretary, or any other person author-
 22 ized by the Secretary,”; and

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

24 “(2) CIVIL CITIZEN SUITS.—

1 “(A) IN GENERAL.—Any person may com-
2 mence a civil suit in Federal district court on
3 their own behalf to enjoin any person who is al-
4 leged to be in violation of any provision of this
5 section.

6 “(B) AMOUNT OF FINE.—For any person
7 found to have violated a provision of this sec-
8 tion in any suit brought pursuant to subpara-
9 graph (A), the court may issue a fine in an
10 amount not greater than \$5,000 for each viola-
11 tion.

12 “(C) LIMITATION.—No action may be
13 commenced under subparagraph (A)—

14 “(i) prior to 60 days after written no-
15 tice of the violation has been given to the
16 Secretary, and to any alleged violator of
17 any such provision;

18 “(ii) if the Secretary has commenced
19 an action to impose a penalty pursuant to
20 paragraph (1); or

21 “(iii) if the United States has com-
22 menced, and is diligently prosecuting, a
23 criminal action in a court of the United
24 States or a State to redress a violation of
25 any provision of this section.

1 “(D) JURISDICTION.—Any suit under this
2 paragraph may be brought in the judicial dis-
3 trict in which the violation occurs. In any such
4 suit under this paragraph, the Attorney Gen-
5 eral, at the request of the Secretary, may inter-
6 vene on behalf of the United States as a matter
7 of right.

8 “(E) ATTORNEY’S FEES.—The court, in
9 issuing any final order in any suit brought pur-
10 suant to subparagraph (A), may award costs of
11 litigation (including reasonable attorney and ex-
12 pert witness fees) to any party, whenever the
13 court determines such award is appropriate.

14 “(3) SEIZURE.—Whoever is found, pursuant to
15 an investigation under paragraph (1) of this sub-
16 section, to have violated subsection (a)(1) shall, in
17 addition to such penalties applicable under para-
18 graph (1) of this subsection, be subject to seizure of
19 all real property, including any right, title, and in-
20 terest (including any leasehold interest) in the whole
21 of any lot or tract of land and any appurtenances
22 or improvements, which is used, or intended to be
23 used, in any manner or part, to commit, or to facili-
24 tate the commission of, a violation of subsection
25 (a)(1).”.

1 **SEC. 5. TECHNICAL CORRECTIONS.**

2 (a) AGRICULTURAL ACT OF 2014.—Effective as if in-
3 cluded in the enactment of the Agricultural Act of 2014
4 (Public Law 113–79), section 12308(b)(1) of such Act is
5 amended—

6 (1) in subparagraph (A), by striking “and” at
7 the end; and

8 (2) by striking subparagraph (B) and inserting
9 the following:

10 “(B) in paragraph (1)—

11 “(i) in the heading, by striking ‘In
12 General’ and inserting ‘Sponsoring or Ex-
13 hibiting’; and

14 “(ii) by striking ‘paragraph (2)’ and
15 inserting ‘paragraph (3)’;

16 “(C) by redesignating paragraph (2) as
17 paragraph (3); and

18 “(D) by inserting after paragraph (1) the
19 following:

20 ““(2) ATTENDING OR CAUSING AN INDIVIDUAL
21 WHO HAS NOT ATTAINED THE AGE OF 16 TO AT-
22 TEND.—It shall be unlawful for any person to—

23 ““(A) knowingly attend an animal fighting
24 venture; or

1 “(B) knowingly cause an individual who
2 has not attained the age of 16 to attend an ani-
3 mal fighting venture.’.”.

4 (b) ANIMAL WELFARE ACT.—Section 26(h) of the
5 Animal Welfare Act (7 U.S.C. 2156(h)) is amended to
6 read as follows:

7 “(h) CONFLICT WITH STATE LAW.—The provisions
8 of this Act shall not supersede or otherwise invalidate any
9 such State, local, or municipal legislation or ordinance re-
10 lating to animal fighting ventures except in case of a direct
11 and irreconcilable conflict between any requirements
12 thereunder and this Act or any rule, regulation, or stand-
13 ard hereunder.”.

14 (c) NONMAILABLE MATTER.—Section 3001(a) of
15 title 39, United States Code, is amended by striking “title
16 18,” and all that follows through the period at the end
17 and inserting the following: “title 18, or section 26 of the
18 Animal Welfare Act, is nonmailable.”.

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