

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred
to the Committee on _____

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 violation 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”.