

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 119-22**  
**OFFERED BY MR. NEHLS OF TEXAS**

At the end of part I of subtitle A of title XII, add the following:

1 **SEC. \_\_. PROHIBITION ON AIR TRANSPORT OF ROOSTERS.**

2 Section 26 of the Animal Welfare Act (7 U.S.C.  
3 2156), as amended by section 12009 of this Act, is further  
4 amended—

5 (1) in subsection (c)—

6 (A) in the subsection heading—

7 (i) by inserting “, AIR CARRIER,”  
8 after “POSTAL SERVICE”; and

9 (ii) by adding at the end the fol-  
10 lowing: “OR TO TRANSPORT ROOSTERS”;

11 (B) by striking “It shall” and inserting the  
12 following:

13 “(1) IN GENERAL.—It shall”;

14 (C) in paragraph (1), as so inserted—

15 (i) by striking “interstate commerce  
16 for commercial speech” and inserting the  
17 following: “interstate commerce—

18 “(A) for commercial speech”;

1 (ii) in subparagraph (A), as so in-  
2 sserted, by striking the period at the end  
3 and inserting “; or”; and

4 (iii) by adding at the end the fol-  
5 lowing:

6 “(B) except as provided in paragraph (3),  
7 to transport a rooster.”; and

8 (D) by adding at the end the following:

9 “(2) PROHIBITION ON TRANSPORT OF ROOST-  
10 ERS BY AIR.—Except as provided in paragraph (3),  
11 no air carrier or other person operating an aircraft  
12 in interstate or foreign air transportation shall  
13 knowingly transport a rooster as cargo.

14 “(3) EXEMPTION FOR COMMERCIAL FARMS.—  
15 Paragraphs (1)(B) and (2) shall not apply in the  
16 case that—

17 “(A) the transport of the rooster originates  
18 from, or is destined for, a commercial farm; and

19 “(B) the transport is conducted for legiti-  
20 mate agricultural purposes.

21 “(4) CERTIFICATION.—Any person claiming an  
22 exemption under paragraph (3) shall provide to the  
23 air carrier, prior to the transport of a rooster, docu-  
24 mentation certifying that the originating or destina-  
25 tion farm qualifies as a commercial farm, including

1 financial records or attestations consistent with  
2 guidelines of the Economic Research Service of the  
3 Department of Agriculture. No air carrier may ac-  
4 cept a rooster for transport without such certifi-  
5 cation.”;

6 (2) in subsection (e)—

7 (A) by striking “The Secretary or any  
8 other person authorized” and inserting the fol-  
9 lowing:

10 “(1) IN GENERAL.—The Secretary or any other  
11 person authorized”; and

12 (B) by adding at the end the following:

13 “(2) SEIZURE.—Whoever is found, pursuant to  
14 an investigation under paragraph (1), to have vio-  
15 lated subsection (a)(1) shall, in addition to the pen-  
16 alties applicable under paragraph (1), be subject to  
17 seizure of all real property, including any right, title,  
18 and interest (including any leasehold interest) in the  
19 whole of any lot or tract of land and any appur-  
20 tenances or improvements, that is used, or intended  
21 to be used, in any manner or part, to commit, or to  
22 facilitate the commission of, a violation of subsection  
23 (a)(1).”; and

24 (3) in subsection (f)—

1 (A) by amending paragraph (2) to read as  
2 follows:

3 “(2) the term ‘instrumentality of interstate  
4 commerce’ means—

5 “(A) any written, wire, radio, television or  
6 other form of communication in, or using a fa-  
7 cility of, interstate commerce; and

8 “(B) an air carrier;”.

9 (B) in paragraph (4), by striking the pe-  
10 riod at the end and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(5) the term ‘rooster’ means a male chicken  
13 (Gallus gallus domesticus) that has reached sexual  
14 maturity, typically characterized by the development  
15 of spurs, a large comb, and crowing behavior, and  
16 is at least 6 months of age;

17 “(6) the term ‘air carrier’ has the meaning  
18 given such term in section 40102 of title 49, United  
19 States Code;

20 “(7) the term ‘commercial farm’ means any  
21 farm with \$350,000 or more in annual gross cash  
22 farm income (including sales of crops and livestock,  
23 government payments, and other farm-related in-  
24 come), as classified by the Economic Research Serv-  
25 ice of the Department of Agriculture; and

1           “(8) the term ‘interstate or foreign air trans-  
2           portation’—

3           “(A) has the meaning given the term  
4           ‘interstate air transportation’ in section 40102  
5           of title 49, United States Code; and

6           “(B) includes transportation in foreign air  
7           commerce.”.

