

118TH CONGRESS
1ST SESSION

S. _____

To authorize livestock producers and their employees to take black vultures to prevent death, injury, or destruction to livestock, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To authorize livestock producers and their employees to take black vultures to prevent death, injury, or destruction to livestock, 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 “Black Vulture Relief
5 Act of 2023”.

6 **SEC. 2. AUTHORIZATION FOR LIVESTOCK PRODUCERS AND**
7 **THEIR EMPLOYEES TO TAKE CERTAIN BLACK**
8 **VULTURES.**

9 (a) DEFINITIONS.—In this section:

1 (1) BLACK VULTURE.—The term “black vul-
2 ture” means a bird of the species *Coragyps atratus*.

3 (2) COVERED PERSON.—The term “covered
4 person” means—

5 (A) a livestock producer; or

6 (B) an employee of a livestock producer
7 when the employee is actively engaged in live-
8 stock production.

9 (3) DIRECTOR.—The term “Director” means
10 the Director of the United States Fish and Wildlife
11 Service.

12 (4) LIVESTOCK.—The term “livestock” has the
13 meaning given the term in section 602 of the Emer-
14 gency Livestock Feed Assistance Act of 1988 (7
15 U.S.C. 1471).

16 (5) LIVESTOCK PRODUCER.—The term “live-
17 stock producer” has the meaning given the term in
18 section 602 of the Emergency Livestock Feed As-
19 sistance Act of 1988 (7 U.S.C. 1471).

20 (6) TAKE.—The term “take” means—

21 (A) to capture, kill, or disperse a black vul-
22 ture; or

23 (B) to transport a black vulture carcass.

24 (b) AUTHORIZATION.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 notwithstanding the Migratory Bird Treaty Act (16
3 U.S.C. 703 et seq.), a covered person may—

4 (A) take or attempt to take a black vulture
5 that is causing, or that the covered person has
6 a reasonable belief will cause, death, injury, or
7 destruction to livestock; or

8 (B) in the course of taking or attempting
9 to take a black vulture described in subpara-
10 graph (A), cause injury to the black vulture.

11 (2) PROHIBITION.—A covered person may not
12 take or attempt to take a black vulture through the
13 use of poison.

14 (c) REPORTS.—

15 (1) IN GENERAL.—Not later than January 31
16 of each year, a covered person that takes a black
17 vulture in accordance with subsection (b) in the pre-
18 ceding 12-month period shall complete and submit
19 to the appropriate United States Fish and Wildlife
20 Service Regional Office (as determined by the geo-
21 graphic jurisdictions described in section 2.2 of title
22 50, Code of Federal Regulations (or a successor reg-
23 ulation)) an annual report using the form developed
24 by the Director under subsection (d).

1 (2) CLARIFICATION.—A covered person shall
2 not be required to submit a report under paragraph
3 (1) until after the date on which the Director devel-
4 ops and makes available the reporting form under
5 subsection (d).

6 (d) REPORTING FORMS.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 not later than 180 days after the date of enactment
9 of this Act, the Director shall develop and make
10 available on the website of the United States Fish
11 and Wildlife Service a reporting form the Director
12 determines appropriate for the purposes of accepting
13 reports under subsection (c).

14 (2) FORMAT.—The form developed and made
15 available under paragraph (1) may not be more on-
16 erous to complete than similar forms required for
17 permitted take under the Migratory Bird Treaty Act
18 (16 U.S.C. 703 et seq.) as of the date of enactment
19 of this Act.