

118TH CONGRESS
1ST SESSION

S. 3358

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

NOVEMBER 29, 2023

Mr. MULLIN (for himself, Mrs. HYDE-SMITH, Mr. TUBERVILLE, Mr. HAGERTY, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. BRITT, Mr. MARSHALL, Mr. CRUZ, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

1 **SEC. 2. AUTHORIZATION FOR LIVESTOCK PRODUCERS AND**
2 **THEIR EMPLOYEES TO TAKE CERTAIN BLACK**
3 **VULTURES.**

4 (a) DEFINITIONS.—In this section:

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

7 (2) COVERED PERSON.—The term “covered
8 person” means—

9 (A) a livestock producer; or

10 (B) an employee of a livestock producer
11 when the employee is actively engaged in live-
12 stock production.

13 (3) DIRECTOR.—The term “Director” means
14 the Director of the United States Fish and Wildlife
15 Service.

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

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

24 (6) TAKE.—The term “take” means—

25 (A) to capture, kill, or disperse a black vul-
26 ture; or

1 (B) to transport a black vulture carcass.

2 (b) AUTHORIZATION.—

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

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

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

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

16 (c) REPORTS.—

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

1 ulation)) an annual report using the form developed
2 by the Director under subsection (d).

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

8 (d) REPORTING FORMS.—

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

16 (2) FORMAT.—The form developed and made
17 available under paragraph (1) may not be more on-
18 erous to complete than similar forms required for
19 permitted take under the Migratory Bird Treaty Act
20 (16 U.S.C. 703 et seq.) as of the date of enactment
21 of this Act.

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