

118TH CONGRESS
1ST SESSION

H. R. 4939

To authorize livestock producers and their employees to take crested caracaras in order to prevent the death of or injury or destruction to livestock, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Mr. PFLUGER (for himself and Mr. CUELLAR) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To authorize livestock producers and their employees to take crested caracaras in order to prevent the death of or 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. AUTHORIZATION FOR LIVESTOCK PRODUCERS**

4 **AND THEIR EMPLOYEES TO TAKE CERTAIN**

5 **CRESTED CARACARAS.**

6 (a) IN GENERAL.—Notwithstanding any provision of
7 the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.),
8 a covered person may—

1 (1) take or attempt to take a crested caracara
2 that is causing, or that the covered person has a
3 reasonable belief will cause, the death of or injury or
4 destruction to livestock; or

5 (2) in the course of taking or attempting to
6 take a crested caracara described in paragraph (1),
7 cause injury to such crested caracara.

8 (b) REPORTING REQUIREMENTS.—Not later than
9 January 31 of each year, a covered person that takes a
10 crested caracara pursuant to subsection (a) in the pre-
11 ceding 12-month period shall complete and submit to the
12 appropriate United States Fish and Wildlife Service Re-
13 gional Office (as determined by the geographic jurisdic-
14 tions described in section 2.2 of title 50, Code of Federal
15 Regulations, or any successor regulation) an annual report
16 using the form developed under subsection (c).

17 (c) ISSUANCE OF FORM.—Not later than 180 days
18 after the date of the enactment of this section, the Direc-
19 tor of the United States Fish and Wildlife Service shall
20 make available on the website of the United States Fish
21 and Wildlife Service such reporting form as the Director
22 determines appropriate for the purposes of taking reports
23 under subsection (b). Such form may not be more onerous
24 to complete than similar forms for permitted take under

1 the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.)
2 required as of the date of the enactment of this section.

3 (d) DEFINITIONS.—In this section:

4 (1) CRESTED CARACARA.—The term “crested
5 caracara” means a bird of the species *Caracara*
6 *cheriway*.

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 such employee is actively engaged in live-
12 stock production.

13 (3) LIVESTOCK.—The term “livestock” has the
14 meaning given such term in section 602 of the
15 Emergency Livestock Feed Assistance Act of 1988
16 (7 U.S.C. 1471).

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

21 (5) TAKE.—The term “take” means to capture,
22 kill, disperse, or transport.

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