

112TH CONGRESS
2D SESSION

S. 3674

To amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2012

Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. WICKER, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds.

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 “Farmers Protection
5 Act of 2012”.

6 **SEC. 2. EXEMPTIONS ON CERTAIN LAND.**

7 Section 3 of the Migratory Bird Treaty Act (16
8 U.S.C. 704) is amended by adding at the end the fol-
9 lowing:

10 “(c) EXEMPTIONS ON CERTAIN LAND.—

1 “(1) IN GENERAL.—Nothing in this section pro-
2 hibits the taking of any migratory game bird, includ-
3 ing waterfowl, coots, and cranes, on or over land
4 that—

5 “(A) is not a baited area; and

6 “(B) contains—

7 “(i) a standing crop or flooded stand-
8 ing crop, including an aquatic crop;

9 “(ii) standing, flooded, or manipulated
10 natural vegetation;

11 “(iii) flooded harvested cropland; or

12 “(iv) based on the determination of
13 the applicable State office of the Coopera-
14 tive Extension System of the Department
15 of Agriculture at the request of the Sec-
16 retary of the Interior, an area on which
17 seed or grain has been scattered solely as
18 the result of a normal agricultural plant-
19 ing, harvesting, post-harvest manipulation,
20 or normal soil stabilization practice.

21 “(2) DETERMINATIONS.—

22 “(A) IN GENERAL.—For purposes of mak-
23 ing a determination under paragraph
24 (1)(B)(iv), each State office of the Cooperative
25 Extension System of the Department of Agri-

1 culture shall determine the activities in that
2 State that the State office considers to be a
3 normal agricultural practice in the State, such
4 as mowing, shredding, discing, rolling, chop-
5 ping, trampling, flattening, burning, or carrying
6 out herbicide treatment.

7 “(B) REVISIONS.—A State office may re-
8 vise a report described in subparagraph (A) as
9 the State office determines to be necessary to
10 reflect changing agricultural practices.”.

○