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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farmers Protection Act of 2012''.

SEC. 2. EXEMPTIONS ON CERTAIN LAND.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) EXEMPTIONS ON CERTAIN LAND.—

"(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

"(A) is not a baited area; and

"(B) contains—

"(i) a standing crop or flooded standing crop, including an aquatic crop;

"(ii) standing, flooded, or manipulated natural vegetation;

"(iii) flooded harvested cropland; or

"(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

"(2) DETERMINATIONS.—

"(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agri-

culture shall determine the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

''(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.''.

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