

118TH CONGRESS
1ST SESSION

S. _____

To require the Secretary of Agriculture to allow emergency haying under the conservation reserve program during the primary nesting season under certain conditions.

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself, Ms. SMITH, Mr. ROUNDS, Mr. CRAMER, Ms. KLOBUCHAR, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Secretary of Agriculture to allow emergency haying under the conservation reserve program during the primary nesting season under certain conditions.

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 “Conservation Reserve
5 Program Flexibility Act of 2023” or the “CRP Flexibility
6 Act of 2023”.

1 **SEC. 2. EMERGENCY HAYING DURING THE PRIMARY NEST-**
2 **ING SEASON.**

3 Section 1233(b)(1) of the Food Security Act of 1985
4 (16 U.S.C. 3833(b)(1)) is amended—

5 (1) in subparagraph (A)(ii), by inserting “sub-
6 ject to subclauses (I) and (III) of clause (i), and
7 subclauses (I) and (II) of clause (ii), of subpara-
8 graph (B),” before “are subject to”; and

9 (2) in subparagraph (B)(i)—

10 (A) by redesignating subclauses (I)
11 through (VI) as subclauses (II) through (VII),
12 respectively;

13 (B) by inserting before subclause (II) (as
14 so redesignated) the following:

15 “(I) emergency haying in re-
16 sponse to a localized or regional
17 drought, flooding, wildfire, or other
18 emergency, on all practices, during or
19 outside the primary nesting season,
20 when—

21 “(aa) the county is des-
22 igned as D2 (severe drought)
23 or greater according to the
24 United States Drought Monitor;

1 “(bb) there is at least a 40
2 percent loss in forage production
3 in the county; or

4 “(cc) the Secretary, in co-
5 ordination with the State tech-
6 nical committee, determines that
7 the program can assist in the re-
8 sponse to a natural disaster event
9 without permanent damage to
10 the established cover;”;

11 (C) in subclause (II) (as so redesignated),
12 in the matter preceding item (aa), by striking
13 “emergency haying, emergency grazing, or
14 other emergency use” and inserting “emergency
15 grazing or other emergency use”; and

16 (D) in subclause (IV) (as so redesignated),
17 by striking “outside the primary nesting sea-
18 son” and inserting “during or outside the pri-
19 mary nesting season”.