

108TH CONGRESS  
1ST SESSION

# S. 1840

To amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2003

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. JOHNSON, Mr. BAUCUS, Mr. ENZI, Mr. KERRY, Mr. HARKIN, Mr. COLEMAN, Mr. REID, and Mr. NELSON of Nebraska) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

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 “Voluntary Public Ac-  
5 cess and Wildlife Habitat Incentive Program Act of  
6 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) according to the United States Fish and  
4 Wildlife Service, in 2001, 82,000,000 individuals in  
5 the United States aged 16 years and older partici-  
6 pated in wildlife-related recreation, including  
7 34,000,000 individuals who hunted, and more than  
8 66,000,000 who engaged in wildlife-related recre-  
9 ation such as observing, feeding, or photographing  
10 wildlife, in the United States;

11 (2) individuals who participated in wildlife-re-  
12 lated activities in 2001 spent an estimated  
13 \$108,000,000,000, including—

14 (A) more than \$35,000,000,000 on fishing;

15 (B) nearly \$21,000,000,000 on hunting;

16 and

17 (C) more than \$28,000,000,000 on food,  
18 lodging, and transportation;

19 (3) the growing public demand for outdoor rec-  
20 reational opportunities is increasingly constrained by  
21 the limits on both public and private land resources;

22 (4) limited public access on private land has  
23 often frustrated and disappointed hunters and other  
24 naturalists, and undermined the relationship be-  
25 tween land owners and the general public;

1           (5) several States have established successful  
 2           but modest walk-in programs to encourage public ac-  
 3           cess on private farm and ranch land, yet the demand  
 4           for such voluntary access programs remains largely  
 5           unfulfilled;

6           (6) traditional agricultural markets have in re-  
 7           cent years offered limited income opportunities for  
 8           farm and ranch land owners and operators; and

9           (7) current proposals to reform world agricul-  
 10          tural trade favor the development of new methods to  
 11          support the income of agricultural producers that  
 12          have minimal impact on agricultural production and  
 13          prices.

14 **SEC. 3. VOLUNTARY PUBLIC ACCESS AND HABITAT INCEN-**  
 15 **TIVE PROGRAM.**

16          (a) IN GENERAL.—Chapter 5 of subtitle D of title  
 17 XII of the Food Security Act of 1985 (16 U.S.C. 3839bb  
 18 et seq.) is amended by adding at the end the following:

19 **“SEC. 1240Q. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**  
 20 **CENTIVE PROGRAM.**

21          “(a) IN GENERAL.—The Secretary shall establish a  
 22 voluntary public access program under which States may  
 23 apply for grants to encourage owners and operators of pri-  
 24 vately-held farm and ranch land to voluntarily make that

1 land available for access by the public under programs ad-  
2 ministered by the States.

3 “(b) APPLICATIONS.—In submitting applications for  
4 a grant under the program, a State shall describe—

5 “(1) the benefits that the State intends to  
6 achieve by encouraging public access on private farm  
7 and ranch land, through such activities as hunting,  
8 fishing, bird watching, and related outdoor activities;  
9 and

10 “(2) the methods that will be used to achieve  
11 those benefits.

12 “(c) PRIORITY.—In approving applications and  
13 awarding grants under the program, the Secretary shall  
14 give priority to States that propose—

15 “(1) to maximize participation by offering a  
16 program the terms of which are likely to meet with  
17 widespread acceptance among landowners;

18 “(2) to ensure that land enrolled under the  
19 State program has appropriate wildlife habitat;

20 “(3) to strengthen wildlife habitat improvement  
21 efforts on land enrolled in a special conservation re-  
22 serve enhancement program described in 1234(f)(4)  
23 by providing incentives to increase public access on  
24 that land; and

1           “(4) to use additional Federal, State, or private  
2           resources in carrying out the program.

3           “(d) RELATIONSHIP TO OTHER LAWS.—Nothing in  
4           this section preempts a State law (including any State li-  
5           ability law).

6           “(e) REGULATIONS.—The Secretary shall promulgate  
7           such regulations as are necessary to carry out this sec-  
8           tion.”.

9           (b) FUNDING.—Section 1241(a) of the Food Security  
10          Act of 1985 (16 U.S.C. 3841(a)) is amended by adding  
11          at the end the following:

12           “(8) The voluntary public access program  
13          under section 1240Q, using, to the maximum extent  
14          practicable, \$50,000,000 in each of fiscal years 2003  
15          through 2007.”.

16   **SEC. 4. PREVENTION OF EXCESS BASE ACRES.**

17          Section 1101(g)(2) of the Farm Security and Rural  
18          Investment Act of 2002 (7 U.S.C. 7911(g)(2)) is amended  
19          by striking subparagraph (C).

○