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Testimony of John Palatiello  
on  
H.R. 496, H.R. 2485, H.R. 4299  
before the  
Committee on Natural Resources  
Subcommittee on Energy & Mineral Resources  
U.S. House of Representatives  
May 19, 2019

Mr. Chairman, members of the subcommittee, I'm John Palatiello, a public policy consultant specializing in geospatial issues. On behalf of the National Society of Professional Surveyors and U.S. GEO, I'm pleased to appear today on three important bills.

H.R. 496 would direct the Director of the United States Geological Survey to establish a program to map zones that are at greater risk of sinkhole formation and develop maps that depict zones that are at greater risk of sinkhole formation. I would commend to the Subcommittee's attention the 3D Elevation Program, or 3DEP, already underway at USGS. This extraordinary program will provide consistent, national coverage of LiDAR maps. USGS has identified more than 600 applications that would benefit from such enhanced elevation data. 3DEP will promote economic growth, facilitate responsible environmental protection and resource development and management, assist with infrastructure improvement, and generally enhance the quality of life of all Americans. The USGS, with involvement from the private sector and other stakeholders, conducted a National Enhanced Elevation Assessment (NEEA), to determine and document the need for national elevation data within government and private markets. The results indicated that enhanced elevation data have the potential to generate \$13 billion in annual benefits, at a benefit:cost ratio of 4.7 to 1. The 3DEP plan calls for funding at \$146 million per year over 8 years to map the Nation, and then to update the maps on a regular cycle.

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The Coalition of Geospatial Organizations (COGO), of which NSPS is member of, published the second edition of a “[report card](#)” on the status of the National Spatial Data Infrastructure (NSDI). One of the data layer themes is elevation. In 2015, COGO’s original report card on the NSDI gave the elevation theme a “C+”. In 2019, the current version of the report card upgraded the elevation theme to a “B-“. We believe 3DEP is primarily responsible for this improvement, but more work is needed to achieve a grade of “A”.

There is a [3DEP Coalition](#), comprised of representatives of a broad cross section of stakeholders, including over 35 organizations from surveying, mapping and geospatial; real estate; home building; flood management; emergency response; environmental; science; mining; insurance; telecom; agriculture; and infrastructure that supports 3DEP.

3DEP is satisfying the growing demand for consistent, high-quality topographic data and a wide range of other three-dimensional representations of the Nation’s natural and constructed features, primarily through elevation data collected with Light Detection and Ranging (LiDAR). Among the applications that benefit from 3DEP data are [flood risk management](#); [infrastructure](#); [landslides & other hazards](#); water resources; aviation safety; telecom; homeland security; emergency response; [precision agriculture](#); [energy](#); [pipeline safety](#); and other areas.

I would recommend recognition of 3DEP in H.R. 496 and would respectfully urge the committee’s assistance in working with the Appropriations Committee to fully fund 3DEP so it can move closer to meeting its goal of an 8-year cycle.

H.R. 4299, the “Data Preservation Act of 2019”, introduced by Rep. Nydia Velázquez (D-NY), would continue the National Geological and Geophysical Data Preservation Program (NGGDPP). This important science program contributes to the preservation of data necessary for both resource development and environmental protection applications. It preserves and exposes the Nation’s geoscience collections (samples, logs, maps, data) to promote their discovery and use for research and resource development. The bill is agnostic on the development versus protection debate. It is about good data, upon which intelligent policy debates can take place and informed decisions can be made.

I strongly support H.R. 2485, the Federal Land Asset Inventory Reform (FLAIR) Act. This is an issue, and solution, on which I have been deeply involved for more than a decade.

As I’ve previously testified before subcommittees of the Natural Resources Committee, management guru Peter Drucker is credited with coining the phrase “You can’t manage what you can’t measure”. Unfortunately, the Federal government’s ability to manage its public lands and indeed all its real property assets is terribly hampered by the lack of a current, accurate land inventory.

In the 113th Congress, this bipartisan bill H.R. 916, introduced by Rep. Ron Kind (D-WI) and Chairman Rob Bishop (R-UT), was unanimously approved by the House Committee on Natural Resources on July 16, 2014. A modified version of the bill passed the U.S. Senate in S.2012, North American Energy Security and Infrastructure Act of 2016, but, as you may recall, the House and Senate could not reach a final conference agreement on that bill. In the 115<sup>th</sup>

Congress, H.R. 2199, introduced by Representative Cramer (R-ND) and Rep. Ron Kind (D-WI) was approved by the House Committee on Natural Resources on September 25, 2017.

The Government Accountability Office (GAO) has placed 'Managing Federal Real Property' in its High-Risk Series since 2003. GAO reports highlight the lack of a current, accurate inventory of Federal Real Property. On the other hand, the Federal government funds a variety of single-purpose databases. Technology, specifically geographic information systems (GIS), allows stewardship decisions based from one uniform, interoperable database.

Since 1980, the National Academy of Sciences (NAS) has been calling for the development of a multipurpose "cadaster", or land registry. In 2007, the NAS renewed this effort and recommended the idea of the FLAIR Act.

The FLAIR Act authorizes the Department of the Interior to develop and manage a single multipurpose, uniform Federal GIS database to track and account for all Federal Real Property, as called for by GAO and recommended by the National Academy. The Secretary of the Interior is authorized to conduct an "inventory of inventories" to identify all inventory databases, whether efficient or inefficient. The efficient databases will be merged into a single multipurpose cadastre while the inefficient databases are repealed, thus preventing waste and duplication to continue.

This Federal effort helps state and local agencies verify their ongoing efforts to identify what each level of government owns. This will also enable government at all levels to find missing property through a "gap analysis."

The fact is the Federal government does not know what it owns, where it owns it, what condition it is in, what its appraised or market value is, what its characteristics are, whether it is still in the public interest for the government to own it, whether it should be surplus and disposed, or what its designated use should be.

For more than 15 years, the GAO has found that dozens of Federal agencies control hundreds of thousands of real property assets worldwide, including facilities and land, worth hundreds of billions of dollars. However, the portfolio is not well managed, many assets are no longer consistent with agency mission or needs and are therefore no longer needed, and many assets are in an alarming state of disrepair. In 1995, GAO told Congress "The General Services Administration publishes statistics on the amount of land managed by each Federal agency. However, we found this information was not current or reliable" (GAO-T-RCED-95-117). This finding has continued to be recognized by GAO when it reported "...federal agencies continue to face long-standing challenges in several areas of real property management, including: (1) disposing of excess and underutilized property effectively...(3) collecting reliable real property data to support decision making...Issues with the reliability of the Federal Real Property Profile (FRPP) data—particularly the utilization variable—make it difficult to quantify the overall number of vacant and underutilized federal buildings...despite OMB's efforts to focus agencies' attention on measuring progress through the Reduce the Footprint policy, the government's efforts to monitor progress remain limited without reliable real property data in the FRPP..." (GAO-17-317).

As far back as 1980, the National Research Council/National Academy of Sciences said, “There is a critical need for a better land-information system in the United States to improve land-conveyance procedures, furnish a basis for equitable taxation, and provide much-needed information for resource management and environmental planning.” (Need for a Multipurpose Cadastre). Why is a Federal land inventory, as envisioned in the FLAIR Act, necessary? As I noted earlier, GAO has found that the government lacks a current, accurate, reliable land inventory. That led GAO to put the government’s real property asset management activities on its High Risk list (High Risk Series – An Update, GAO-05-207), a position still held today (GAO-19-157SP).

The idea of a current, accurate inventory of public lands is not new. In fact, Section 201 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain,<sup>1</sup> on a continuing basis, an inventory of all public lands and their resources and other values. Section 202 of FLPMA requires BLM to rely on resource inventories in the development and revision of land use plans.

In 2005, Interior Secretary Gale Norton testified before the House Interior Appropriations Subcommittee, “The Department currently uses 26 different financial management systems and over 100 different property systems. Employees must enter procurement transactions multiple times in different systems so that the data are captured in real property inventories, financial systems, and acquisition systems. This fractured approach is both costly and burdensome to manage.” We don’t know what has changed in the last 14 years. We don’t know what improvements have been implemented. We don’t know if there still are over 100 different property systems or if the Department has eliminated this duplication.

Today, with computer mapping and geographic information systems, or GIS, there is the ability to “map it once, use it many times”. To know to what extent that goal been reached with regard to property systems and a current, accurate, multipurpose land inventory has eliminated such duplication and lack of coordination, the FLAIR Act has the inventory of inventories provision I mentioned earlier. By reducing duplication, I believe this bill will save money. I do not believe Congressional Budget Office (CBO) estimates of the cost of this bill accurately reflect the savings that will more than offset any costs.

The Bush Administration took a significant step toward properly managing its real property holdings. Executive Order 13327, on Federal Real Property Asset Management, was issued on February 4, 2004. It called on agencies to “identify and categorize all real property owned, leased, or otherwise managed by the agency”. Additionally, it instructs that “In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.” To my knowledge, these departments have never fulfilled that responsibility.

Since the National Academy issued its recommendation in 1980, the technology and capability of land or geographic information systems (GIS) has exploded. The Academy endorsed the FLAIR Act (National Land Parcel Data: A Vision for the Future) and the National Geospatial Advisory Committee has endorsed the recommendations in the Academy’s parcels report. An accurate

inventory is an important feature of good land management. Proper conservation, recreation and multiple use activities are dependent on accurate information about the government's land ownership. In its 1980 report, the Academy said, "Current technology is adequate in most cases for the surveying, mapping, data collecting, filing, and dissemination of information. Improved surveying and mapping instruments and techniques will probably reduce the cost of some of the mapping required. Advancements in computer applications, communication networks, and copying processes offer promise of more-efficient use of the multipurpose cadastre. The major obstacles in the development of a multipurpose cadaster are the organizational and institutional requirements."

The American taxpayer can also be the biggest beneficiary of a cadaster. Many units of local government -- cities, counties -- have used such land information systems, or even single purpose digital parcel or tax mapping programs, to more accurately and efficiently inventory real estate within the jurisdiction. There are numerous examples where local government has used GIS to identify tens of millions of dollars in annual property taxes that were unpaid or under paid. These systems have paid for themselves many times over, many in the first year alone. It is time the U.S. government invested in a similar methodology and technology to identify and inventory its land holdings. Such a system can help enhance the management of Federal lands, identify lands that could be put to higher priority use, as well as those that are no longer needed by the government and can be made surplus and sold, thus bringing revenue and savings to the Federal budget.

Once the multipurpose inventory is complete, the government can become a better real property asset manager, and a responsible steward of its land holdings. This will result in more efficient land management, again providing savings. Additionally, areas for multiple use can be better identified, thus enhancing the American citizens' use of public lands and generate more revenue from leasing, mineral rights, recreation and fees from other activities. Moreover, legislation to facilitate a process by which the Federal Government can more efficiently sell its surplus lands can be enacted. This will not only help state and local government by providing them land they can manage as open space, or these lands can be sold to the private sector for economic development, thus expanding the local tax base and creating jobs. The proceeds of these sales can be used to balance the budget and pay down the debt, be invested in higher priority activities such as roads, schools, parks, environmental protection, resource management and maintenance in our National Parks.

The bill will save money in many ways. It will reduce the many duplicative inventories the Department of the Interior currently operates and maintains. It will help identify lands the Department of the Interior currently owns that it no longer needs to own. And, revenue from resource activity and cost savings in other programs will be realized by having more efficient and accessible land information. See, for example, Office of Surface Mining Reclamation and Enforcement's Oversight of the Abandoned Mine Lands Program, Report No. 2016-EAU-007, March 2017.

The Office of Inspector General, Department of the Interior, issued Report No.: C-IN-MOA-0001-2009 July 2010. Its audit "found that the Bureau of Land Management's Cadastral Survey program was missing the opportunity to identify and perform surveys on high risk lands where significant potential revenues could be collected by the Department or Indian tribes. Proper survey and

management of high risk lands with antiquated surveys has the potential to generate hundreds of millions of dollars in revenue from lands with valuable resources.”

It reported, “The Department has outdated and unreliable survey information on more than 1 million boundary miles. This encompasses almost 90 percent of the 385 million acres of federal and Indian lands that DOI is responsible for in the western United States (excluding Alaska). Proper survey and management of high risk lands with antiquated surveys has the potential to generate hundreds of millions of dollars in revenue from lands with valuable surface and subsurface resources. This revenue could result from the collection of fees or royalties from identifying (a) unauthorized uses including rights of-way violations and (b) the improper removal of oil, gas, timber, or other resources from federal or Indian lands.”

Proper surveys, mapping and an inventory of Department of the Interior lands could result in hundreds of millions of dollars in new revenue.

Once again, thank you for your leadership and I stand ready to work the Congress to enact H.R. 2485. We respectfully urge this legislation’s prompt and favorable consideration.