

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

July 24, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff, Aniela Butler
Subcommittee on Federal Lands, (x6-7736)

Markup: **H.R. 2199 (Rep. Kevin Cramer)**, To improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes.
July 25 & 26, 2017; 1324 Longworth HOB.

H.R. 2199 (Rep. Cramer), “Federal Land Asset Inventory Reform Act of 2017”

Summary of the Bill

H.R. 2199, introduced by Rep. Kevin Cramer (R-ND-AL), is a bipartisan bill that directs the Secretary of the Interior to create and maintain a cadastre of Federal real property to promote efficient use of real property and support land management activities such as resource development and conservation, agricultural use, active forest management, and environmental protection.

Cosponsors

Rep. Ron Kind (D-WI-03)

Background

The Federal Government owns an estimated 640 million acres of land, although the actual acreage number is not definitively known.¹ The Bureau of Land Management (BLM) manages 248.3 million acres of land and over 700 acres of subsurface minerals; the Forest Service (FS) manages 192.9 million acres of land; the Fish and Wildlife Service (FWS) manages 89.1 million acres of land; and the National Park Service (NPS) manages 79.8 million acres in the United States.² The majority of this land is concentrated in the Western states and Alaska, with only 4.2% of federal land located in the Midwest and Eastern United States.³ From 1990 to 2015, the size of the federal estate decreased by less than 4 percent, with the NPS, FWS, and FS

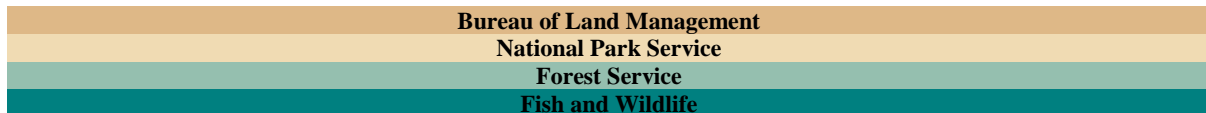
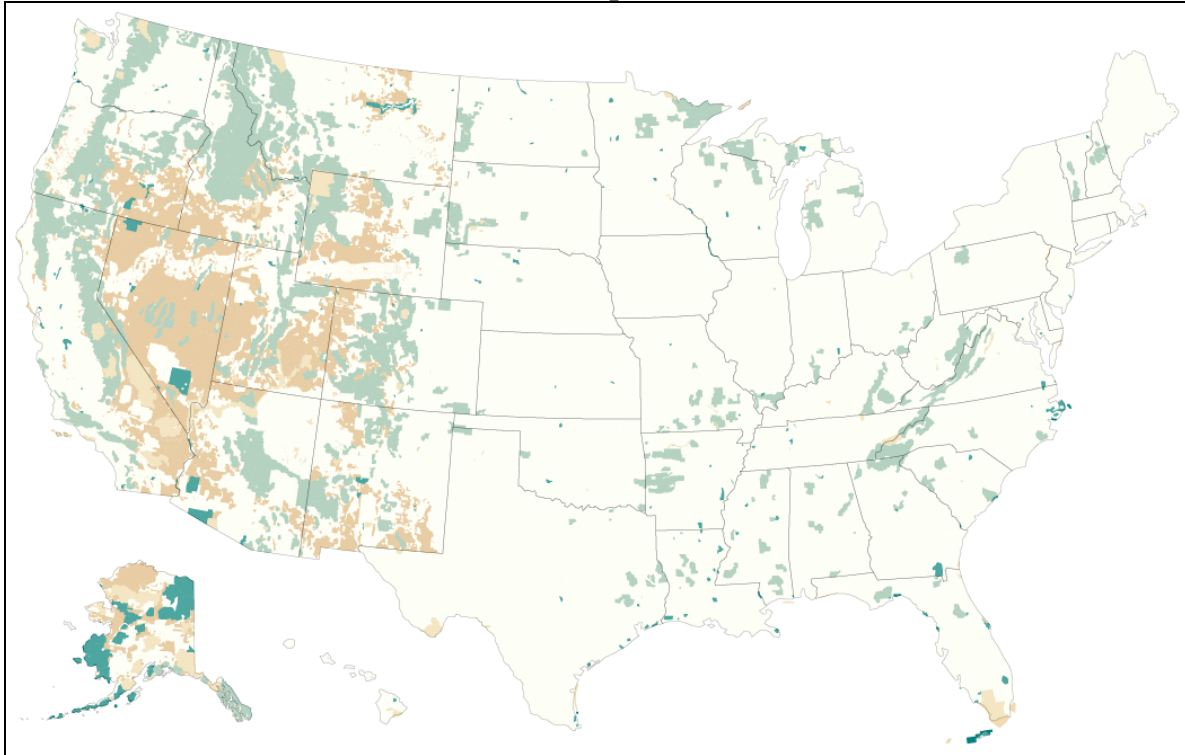
¹ Carol Hardy Vincent et al., “Federal Land Ownership: Overview and Data”, CRS, 03/03/17, R42346.

² Ibid.

³ Ibid.

all increasing the amount of land under their ownership.⁴ In addition to land ownership, the federal government also owns several buildings and spends nearly \$2 billion per year maintaining 77,000 unnecessary or unused buildings across the United States.⁵

Federal Land Ownership in the United States⁶



Starting in 2003, the Government Accountability Office (GAO) began listing federal real property management on its High Risk List due to the likelihood of “fraud, waste, abuse, and mismanagement” and the need for reforms.⁷ In a 2012 report, GAO asked the BLM, FWS, NPS, FS, and the Bureau of Reclamation for over 100 data points related to the land the agencies owned. Each agency failed to provide information for 33 data points, including information on “the percent of total acres under oil, gas, or coal leases that have surface disturbance or where the surface disturbance has been reclaimed, or information on the potential quantities of oil, gas, and coal resources on federal land.”⁸ In fact, *only four* data points got a complete response from all five agencies.⁹ None of the agencies possessed a single, uniform system to access all of the data points requested by GAO. In 2005, DOI used 26 different financial management systems and

⁴ Ibid.

⁵ MAPPs, “Federal Land Asset Inventory Reform (FLAIR) Act: Improving Real Property Stewardship”, www.mapps.org/resource/resmgr/2014_FederalPrograms/MAPPs_FLAIR_Act_Issue_Paper-.pdf.

⁶ Quoc Trung Bui and Margot Sanger-Katz, “Why the Government Owns So Much Land in the West” The New York Times, 01/05/16, <https://www.nytimes.com/2016/01/06/upshot/why-the-government-owns-so-much-land-in-the-west.html>.

⁷ GAO-15-688T.

⁸ GAO-12-691T.

⁹ Ibid.

over 100 different property systems to access data on federal land ownership and management, while the Department of Defense used over 300 property management systems.¹⁰

After GAO's analysis, the federal government began taking steps to better address management and ownership challenges with federal lands. In 2004, President Bush signed Executive Order 13327, which established the Federal Real Property Council. The Council, in coordination with the General Services Administration, created the Federal Real Property Profile (FRPP) to begin collecting data on federal lands from the various federal land management agencies.¹¹ The Office of Management and Budget also took several administrative steps, including a 2012 Reduce the Footprint Policy and 2015 National Strategy for the Efficient Use of Real Property for 2015-2020. The policies required federal agencies to set reduction goals for federal buildings, optimize building space, freeze growth in the real property portfolio, measure performance for more efficient use, and reduce the size of the federal estate through asset consolidation, colocation, and disposal.¹²

Despite these efforts, GAO found last year that challenges in managing real property still exist due to a lack of reliable data, in addition to complex disposal processes, costly environmental requirements, competing stakeholder priorities, and limited accessibility to government properties.¹³ In particular, GAO found the FRPP's data "unreliable due to challenges with accuracy and consistency of data reported by federal agencies."¹⁴

As a consequence of the lack of data, "the federal government continues to retain excess and underutilized property, rely on leasing when ownership would be more cost effective, and utilize unreliable data for its property-related decision making."¹⁵ Furthermore, the lack of a uniform database to easily access data on federal land and building ownership makes it difficult to "effectively reform real property management and to judge progress in addressing the associated challenges" of managing federal real property.¹⁶ A 2012 Congressional Research Service report found that the organizational structures to gather, use, and transfer geospatial data exist at federal, state, and local levels, although a lack of coordination prevents the efficient transfer of data between governmental entities.¹⁷ In order to comprehensively address this issue, legislation is required to develop a solution to providing reliable, efficient, and easily accessible data on federal real property ownership and management.

H.R. 2199 requires the Secretary of the Interior to develop and maintain a cadastre of federal real property in a publicly available, graphically geo-enabled, and searchable format on the Internet. The new cadastre will consolidate previous inventories to create a single, uniform database cataloging information related to federal land ownership and management. The bill also directs the Secretary of the Interior to submit a report to Congress within 180 days after the date of the enactment of the bill on: existing inventories, their statutory authorizations, and the

¹⁰ MAPPS, "Federal Land Asset Inventory Reform (FLAIR) Act: Improving Real Property Stewardship", www.mapps.org/resource/resmgr/2014_FederalPrograms/MAPPS_FLAIR_Act_Issue_Paper-.pdf

¹¹ GAO-15-689T.

¹² Ibid.

¹³ GAO-16-869T.

¹⁴ Ibid.

¹⁵ GAO-15-688T.

¹⁶ GAO-16-869T.

¹⁷ Peter Folger, "Issues and Challenges for Federal Geospatial Information", Congressional Research Service, 04/27/12, R41826.

amount expended to conduct such inventories; existing inventories that will be eliminated or consolidated into the cadastre; existing inventories that will not be eliminated or consolidated into the cadastre; existing inventories of state or local governments that could be incorporated into the cadastre; the cost-savings associated with eliminating or consolidating duplicative and unnecessary inventories; the status of consultation with the Office of Management and Budget, General Services Administration, and Comptroller General of the United States on all existing federal inventories; and recommendations for legislation to increase cost-savings and streamline the process of creating the cadastre.

Major Provisions of the Bill

Section 1: Short Title

Section 2: Cadastre of Federal Land

- Directs the Secretary of the Interior to develop and maintain a cadastre of Federal real property.
- Allows the Secretary of the Interior to enter into cost-sharing agreements with States to include non-Federal lands into the cadaster.
- Directs the Secretary of the Interior to issue a report to Congress within 180 days after the enactment of this Act on existing inventories, their statutory authorizations, and the amount expended to conduct such inventories; existing inventories that will be eliminated or consolidated into the cadastre; existing inventories that will not be eliminated or consolidated into the cadastre; existing inventories of state or local governments that could be incorporated into the cadastre; the cost-savings associated with eliminating or consolidating duplicative and unnecessary inventories; the status of consultation with the Office of Management and Budget, General Services Administration, and Comptroller General of the United States on all existing federal inventories; and recommendations for legislation to increase cost-savings and streamline the process of creating the cadastre.
- Specifies the Secretary of the Interior shall create standards to ensure the cadastre is operable for all users; coordinate with the Federal Geographic Data Committee; integrate existing state and local inventories and the Federal Real Property Profile into the cadastre; and use contracts with the private sector to develop the cadastre.

Section 3: Definitions

Section 4: Transparency and Public Access

- Directs the Secretary of the Interior to make the cadastre publically available on the Internet in a graphically geo-enabled and searchable format.
- Specifies that the cadastre shall include all lands previously identified for disposal by the BLM.
- Allows the Secretary of the Interior to not disclose any parcels of land if the disclosure would impair national security.

Section 5: Right of Action

- Specifies that nothing in the Act creates a substantive or procedural right or benefit

Section 6: Certain New Actions Not Required

- Specifies that nothing in the Act requires or authorizes new surveying or mapping of federal land, the evaluation of land for potential management by non-federal entities, the disposal of any federal land, or any new assessments of cultural and archaeological resources on federal land.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill. CBO scored a previous version of this bill during the 113th Congress as costing \$1.4 billion over a 5-year period.¹⁸

Administration Position

The administration position is unknown during this time.

Anticipated Amendments

None.

Effect on Current Law

None.

¹⁸ House Report 113-688 – Federal Land Asset Inventory Reform Act of 2014.