

## **Amendment 3961 – Requires an annual report detailing the amount of property the federal government owns and the cost of government land ownership to taxpayers**

This amendment would require the government to publicly disclose the amount of land that it owns, as well as the cost to maintain it.

Each year, the Office of Management and Budget would be required to issue a public report detailing federal land ownership.

The report would specifically include:

- The total amount of land in the United States;
- The total amount of land owned by the federal government;
- The percentage of all U.S property controlled by the federal government.
- The total cost of operating and maintaining federal real property, including land, buildings and structures;
- A list of all federal property that is either unused or vacant; and
- The estimated cost of the maintenance backlog at each federal agency.

This information will provide greater transparency for taxpayers regarding the size of government land consumption and a better understanding of the cost of government occupation.

It will also provide greater accountability for the maintenance needs of our nation's most precious natural treasures and the costs of expanding government land ownership—in terms of financial costs to taxpayers and the consequences of diverting resources from existing properties.

This information would be particularly important for lawmakers when Congress debates or votes upon legislation, such as S. 2483, that expands government land ownership without first addressing the needs of existing property.

## **The Federal Government Does Not Currently Disclose The Amount Or Cost Of Property It Occupies**

There are no requirements under current law to require public disclosure of the amount of land controlled by the federal government or the cost of such occupation to the taxpayers.

President George W. Bush, however, did issue Executive Order 13327 in 2004 to require that some of this information be made publicly available.<sup>1</sup>

The President stated that his intention in issuing the Executive Order was to “assure management accountability” of federal properties.

While the President’s directive required the Office of Management and Budget to release an annual report giving a high-level picture of federal property ownership, between fiscal years 2004 and 2005, the government decided to stop releasing information on public domain lands.<sup>2</sup>

The effect of this decision was to halt the reporting of information on nearly 90 percent of all lands owned by the federal government.

This amendment would legally require the government to release information on **all** of the land it owns and how much it costs to maintain. Most significantly, it would require the government to track the growth in federal land ownership around the country.

Governments track the property that individuals own. The government, therefore, should disclose the same information about its land holdings to the taxpayers who are paying to maintain the property.

## **Federal Land Ownership Continues to Grow**

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<sup>1</sup> [http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA\\_BASIC&contentId=16911&noc=T](http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=16911&noc=T)

<sup>2</sup> [http://www.gsa.gov/gsa/cm\\_attachments/GSA\\_DOCUMENT/FRPR\\_5-30\\_updated\\_R2872-m\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/FRPR_5-30_updated_R2872-m_0Z5RDZ-i34K-pR.pdf)

A decade ago, the government owned 25 percent of all land in the United States. As of 2004, that number had grown closer to 29 percent.<sup>3</sup>

Between 1997 and 2004, the latest years for which reliable information is available, federal land ownership increased from 563.3 million acres to 654.7 million.<sup>4</sup> That is an increase of more than 90 million acres, or a 16 percent increase.

The amount of land owned by the government is equivalent to the land in 27 States.

The combined land areas in Georgia, Illinois, Iowa, New York, North Carolina, Arkansas and Alabama would make up an area that is only *half* the size of the federal government's land.

The federal government has long occupied a majority of the property in some states. This includes as much as 84 percent of the land in Nevada, 69 percent in Alaska, 57 percent in Utah, 53 percent in Oregon, and 50 percent in Idaho.<sup>5</sup>

As the federal government grabs more and more land, the costs of maintaining this property increases and the maintenance backlog continues to grow. More land in government hands also limits the amount of property available for citizens to own to build a home or start a business.

The growth of government property is a result, in part, of Congress continuing to pass bills, such as S. 2483, providing for more and more land acquisitions.

## **The Maintenance Backlog For Federal Properties Grows**

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<sup>3</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html>

<sup>4</sup> [http://www.gsa.gov/gsa/cm\\_attachments/GSA\\_DOCUMENT/Annual%20Report%20%20FY2004%20Fin al\\_R2M-n11\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2004%20Final_R2M-n11_0Z5RDZ-i34K-pR.pdf); and [http://www.gsa.gov/gsa/cm\\_attachments/GSA\\_DOCUMENT/owned\\_inv\\_97\\_R2M-n11\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/owned_inv_97_R2M-n11_0Z5RDZ-i34K-pR.pdf)

<sup>5</sup> Kristina Alexander and Ross W. Gorte. "Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention," Congressional Research Service, December 3, 2007.

While increased federal land ownership increases, current national parks and natural treasures suffer the most when the government assumes responsibility for additional properties because available resources must be stretched further.

The maintenance backlogs at federal agencies are growing at an alarming rate, demonstrating that the federal government is unable to properly take care and manage the property it is now entrusted.

The cost of the backlog for just six agencies is now at \$16 billion.<sup>6</sup> Because of this, the Government Accountability Office (GAO) has placed federal real property management on its High Risk List for the most serious problems facing government.

At just the Forest Service alone, the backlog is immense. According to a GAO report, the cost of the maintenance backlog at the Forest Service tripled over a ten-year period.<sup>7</sup>

Despite this backlog, the Senate is expected to overwhelmingly pass S. 2483, that authorizes the federal government to take ownership of and responsibility for additional properties.

It is irresponsible for the government to take more land when it can not properly manage the property it now owns.

When maintenance needs stack up beyond what the government can afford, as it appears is the case now, our true national treasures are jeopardized.

A 2004 report published by the *Fresno Bee* highlights this problem in regards to the maintenance needs at Yosemite National Park.<sup>8</sup>

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<sup>6</sup> <http://www.gao.gov/new.items/d07310.pdf>

<sup>7</sup> <http://www.gao.gov/archive/1998/rc98061t.pdf>

<sup>8</sup> Michael Doyle. “Park Service Tabulates Repair Backlog,” *The Fresno Bee*, March 29, 2004; <http://www.yosemite.org/newsroom/clips2004/march/0329a04.htm>

work, such as the \$249,587 upgrade of the electrical system at the Yosemite Valley Visitors Center.

“Yosemite faces at least \$43.3 million worth of backed-up maintenance needs that in some cases have lingered for years.”

The former superintendent Michael Finley of Yellowstone National Park stated in 2001 that, “Lack of sufficient funding will continue to be the greatest long-term threat to the protection of Yellowstone’s natural and cultural treasures.”<sup>9</sup>

He issued a warning almost seven years ago to prioritize funding so that true national treasures are not ignored in favor of lower priorities.

Congress has ignored that warning. Instead of addressing current needs, Congress time and again passes legislation, such as S. 2483, which ignore the current needs of federal properties and instead add new lands that will require maintenance and consume already limited resources to the government’s control.

S. 2483 authorizes at least \$200 million in *new* spending, while doing nothing to address any of the problems at Yosemite or Yellowstone.

### **The Federal Government Does Not Even Use Much Of The Property That It Occupies**

While the federal government owns nearly one third of all property in this country, it does not need a large portion of what it occupies.

According to a June 2007 Office of Management and Budget study, the government owns 21,000 buildings that it does not currently need.<sup>10</sup> The value of all of these buildings is roughly \$18 billion.

The GAO reports that the amount of unneeded or vacant space possessed by the Department of Energy is approximately 20 million

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<sup>9</sup> [http://www.npca.org/what\\_we\\_do/visitor\\_experience/backlog/limited.html](http://www.npca.org/what_we_do/visitor_experience/backlog/limited.html)

<sup>10</sup> [http://www.whitehouse.gov/omb/financial/fia/response\\_section408.pdf](http://www.whitehouse.gov/omb/financial/fia/response_section408.pdf)

square feet.<sup>11</sup> This is more than three times the size of the Pentagon– the largest office building in the world.

To put into perspective how large the Pentagon is– it could easily fit five of the U.S. Capitol inside of it and the concrete piles on which it is built could stretch from New York to Boston if laid end-to-end.<sup>12</sup>

The National Park Service currently has 2,217 property assets that have been slated for disposal but lacks the resources to clear, in part because Congress continues to divert the agency’s resources to obtaining new properties.<sup>13</sup>

If the situation is at all similar for the government’s land holdings, then taxpayers are footing the bill for a lot of wasted space.

### **Growth In Federal Land Ownership Affects Private Property Owners And Other Taxpayers**

With each new heritage area designation and each new land acquisition, more and more land is taken away from American citizens.

When the federal government assumes ownership of property, American citizens, in effect, turn over control of their communities and neighborhoods to unelected bureaucrats and Washington, DC who are now charged with making decisions for properties that they may never have visited and might not even be able to identify on a map. State and local laws are overridden.

### **Transparency Will Help Policymakers Prioritize Government Land Management And Ownership**

The government owns property it does not use and controls lands that it has failed to properly maintain. No one is entirely sure of the

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<sup>11</sup> <http://hsgac.senate.gov/files/GoldsteinsTestimony524d07895t.pdf>

<sup>12</sup> <http://renovation.pentagon.mil/history-features.htm>

<sup>13</sup> National Park Service FY 2007 Candidate Asset Disposition List

scope or cost of federal land ownership. Yet Congress continues to expand the amount of government controlled land.

It is essential that lawmakers learn to prioritize federal land ownership, management and acquisition.

To do this, it is essential to first learn the size and cost of federal lands as well as the maintenance backlog for federal agencies and properties.

Instead of prioritizing federal land management, Congress has allowed national parks and natural treasures to fall into disrepair by stretching federal resources and national priorities to include local pork projects. Each of the components of S. 2483—that may, in fact, have local and even national value—will draw resources away for the national treasures that are not being properly maintained.

Adding additional properties and responsibilities to federal bureaucracies simply forces agencies to divert funds away from addressing current responsibilities and property management.

The report that would be required by this amendment will allow the public and policy makers to better understand current challenges and better evaluate the impact of adding to existing responsibilities.

**Fresno Bee**  
**March 29, 2004**

## **Park Service Tabulates Repair Backlog**

### **Yosemite needs about \$43 million in repairs; Sequoia/Kings, \$40 million.**

by **Michael Doyle**

Dollar by dollar, Yosemite National Park's maintenance backlog adds up.

Broken sinks. Peeling paint. Crumbling trails, shaggy shrubbery and fallen fences.

There are small projects waiting, such as the \$62 tree-trimming work needed at the Arch Rock Picnic Area. There are medium-size projects, such as the \$10,697 replacement of fire rings at the El Capitan Picnic Area. And then there is the supersize work, such as the \$249,587 upgrade of the electrical system at the Yosemite Valley Visitors Center.

All told, a first-of-its-kind assessment shows, Yosemite faces at least \$43.3 million worth of backed-up maintenance needs that in some cases have lingered for years.

"With a big park like Yosemite, we're spread out, and we've got so many different things to take care of," Yosemite spokesman Scott Gediman said. "There's so much here."

Yosemite's identified maintenance needs are not particularly unusual, compared to those of other national parks. At nearby Sequoia and Kings Canyon National Parks, for instance, officials have tallied more than \$40 million worth of deferred maintenance.

Some parks need even more work. Grand Canyon National Park has tallied \$67.8 million worth of deferred maintenance, which does not include estimates for campsite and sewage-system repairs.

It's a lot of money, but the alternative is hardly cheaper.

Replacing all of the run-down Yosemite assets, instead of repairing them, would cost more than \$560 million, according to estimates.

"Some of these assets we're talking about are precious," said Tim Harvey, an El Portal native and former Yosemite employee who now leads the National Park Service's facilities management team.

Harvey helped put together the Park Service's first comprehensive inventory of assets: the buildings, roads, trails, campgrounds, houses and sewage and water systems upon which park visitors rely.

For all but four asset-intensive parks nationwide, the agency's computers can spit out reports useful for number crunchers and resource managers alike.

"This is a phenomenal undertaking," said Sue Masica, associate Park Service director for planning, facilities and lands. "People elsewhere [in government] aren't doing what we're doing; we're on the leading edge of trying to implement industry standards."

The asset inventory is important because the National Park Service's maintenance backlog has long consumed park officials, local lawmakers and environmental advocates. The concern grows, moreover, as officials face questions about Park Service spending.

On Thursday, for instance, National Park Service Director Fran Mainella assured lawmakers that she was immediately suspending all foreign travel by her agency. The Park Service spent \$650,000 on foreign travel in 2002 and \$300,000 last year as part of a \$44 million overall travel budget that Mainella pledged to cut.

"Who's minding the store here? Are you all sort of oblivious to what's going on?" Rep. George Nethercutt, R-Wash., who serves on the powerful House Appropriations Committee, demanded of Mainella.

Rep. Nick Rahall of West Virginia, the ranking Democrat on the House panel overseeing national parks, questioned Park Service priorities even more sharply. Rahall asserts that President Bush has sought "only incremental increases" in park maintenance budgets, and that Bush's park proposals "have never approached the levels promised during the [2000] campaign."

In 1998, the General Accounting Office reported, the backlog had reached \$4.9 billion. That estimate, though, was not really an item-by-item accounting. Rather, Mainella told lawmakers, the widely reported figure was "just a compilation of desired projects in parks" rather than a comprehensive assessment.

But over the past several years, Park Service officials began compiling a truly systematic tally. It hasn't always come easy. Park superintendents and rangers out in the field sometimes resist headquarters innovations.

The results, nonetheless, are taking shape. Last summer, for instance, a team of contractors visited Yosemite for about a week.

Accompanied by park officials armed with laptop computers and digital cameras, they checked out each and every Yosemite asset: the 344 buildings, 24 campgrounds, 288 trails, 25 sewage systems and more.

Ultimately, they came up with individual repair and replacement estimates, as well as what the Park Service calls a "facility condition index" for comparison purposes. This compares the repair cost to the replacement cost. A separate "asset priority index" ranks the facilities by how important they are to the park's overall mission.

"It's extremely valuable," Gediman said, "because it enables us to prioritize the different maintenance projects that we do. This will enable us to look two or three years down the road."

At Kings Canyon, for instance, officials found a water distribution system at Grant Grove needing repair at an estimated cost of \$4 million and picnic tables at Lodgepole Campground said to need painting or replacing at an estimated cost of \$301,438. Both projects are given a moderately high priority ranking.

For \$2,074, officials also figured they could repaint the interior of the park's Lewis Creek cookhouse -- but this ranks very low among the park's overall maintenance priorities.

Computer software provides automatic cost estimates, which can overlook individual differences and rely on certain assumptions. The estimate on the Lodgepole Campground picnic tables, for example, evidently assumes picnic tables at each of Lodgepole's 204 campsites would be painted or replaced at an average cost of \$1,477.

The asset reports for all Park Service regions nationwide show a maintenance backlog of \$2.3 billion.

That probably understates the total, though, because not all assets have been tallied. The report for the Great Smoky Mountains National Park, for instance, does not yet include totals for housing, trails or sewage and water systems.

Park Service officials also caution that the maintenance backlog is a constantly moving target, which can't really be pinned down with a simple bottom line.

"There is no one number that can capture it," Mainella told the House National Parks, Recreation and Public Lands Subcommittee. "It is not a static number."

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## Heritage Areas vs. Property Rights; With Designations on Rise, Conservatives Sound Alarm

By Paul Kane

A new front has opened in the long-simmering dispute between conservationists and property-rights activists as Congress has increasingly given federal protection to lands dubbed "National Heritage Areas."

With no official formula for their creation, the areas are designated by congressional action and overseen primarily by private, nonprofit community groups. The nonprofits also have roles in managing land use in the areas, which range from a section of abandoned steel mills on a riverfront in Scranton, Pa., to a stretch of the Hudson River between New York City and Albany.

But historical preservationists are encountering opposition from conservative activists, who see the rapid growth in congressionally created heritage areas as a backdoor way to restrict property owners' rights to develop their land as they see fit.

National Heritage Areas "pose a threat to private property rights through the exercise of restrictive zoning that may severely limit the extent to which property owners can develop or use their property," wrote Cheryl Chumley and Ronald D. Utt of the Heritage

Foundation in a recent report on heritage areas. Chumley and Utt said such "regulatory takings" through zoning are the "most common form of property rights abuse today."

Republicans in Congress and property activists say that individuals who own land in these heritage areas now have to answer to a quasi-governmental body about how they develop their property.

Some of the projects, which receive federal funding but are not part of the National Park Service, are geared toward smart-growth revitalization of historically important areas. Others can be designed toward luring more tourists to drive through long stretches of a region with important cultural touchstones.

"By providing federal recognition and financial support, we encourage preservation and interpretation of important periods in our nation's history in a way that traditional units of the National Park System cannot do," Rep. Nick J. Rahall II (D-W.Va.), chairman of the Natural Resources Committee, said last month on the House floor. "Our initial investment 'primes the pump' and ensures that those areas get a solid start toward financial and operational independence."

The number of areas receiving the designation is increasing rapidly. The heritage areas program was created in 1984, and 27 of them were designated through 2005. But last year, another 10 regions received the distinction. Six more were approved by the House last month and await Senate action.

The program is receiving \$13.4 million a year from the federal government, according to John Cosgrove, head of the Alliance of National Heritage Areas, an association that represents the groups overseeing the areas. Cosgrove believes that Congress should increase funding so that most of the areas would receive about \$1 million a year for the first 10 years of their existence. After that, they would be financially independent.

Before coming to Washington, Cosgrove oversaw the Lackawanna Valley Heritage Area, in the Scranton area. "Isn't that a tired, old coal town whose best days are behind it?" Cosgrove asked rhetorically. Now, that heritage area is helping promote tourism in the region, he said.

Rep. Jeff Flake (R-Ariz.), a member of the Natural Resources panel and a longtime opponent of special-interest spending known as earmarks, contends that heritage areas are becoming targets for earmarks, including 24 in the 2007 spending bills that are worth hundreds of thousands of dollars each.

But the program has bipartisan support; the House vote to approve the six proposed sites was 291 to 122. Rep. Ralph Regula (R-Ohio) has estimated that an \$8 million federal investment yielded \$270 million in revenue for the community in a heritage area in his district.

Democrats want to see more heritage areas. "Given that each federal dollar is matched by local funds, the federal investment in the heritage area program is money well spent," Rahall said.

One of the more controversial proposed heritage areas, the "Journey Through Hallowed Ground" heritage area, is sponsored by Rep. Frank R. Wolf (R-Va.). It runs from Charlottesville to Gettysburg along Route 15, past many American Revolution and Civil War sites.

"We should never seek to honor the heroes of our nation's founding by trampling the sacred principles for which they fought and died -- namely property rights and limited, local government," said Peyton Knight of the National Center for Public Policy Research at the time of Wolf's proposal.

### **Claim vs. Fact**

**Claim: This provision will be burdensome for the Office of Management and Budget (OMB) to implement.**

**Fact:** Much of this information is already being collected by OMB pursuant to Executive Order 13327. This amendment would simply codify the requirement and make permanent an ongoing and much needed effort, thus negating any costs for administration.

**Claim: This amendment is unnecessary because the information it requires is already available.**

**Fact:** While some of the information requested under this amendment may be available, it is not readily available or regularly updated. Furthermore, the information requested in this amendment is not all located in one place making it difficult for citizens to find.

