

## **Amendment 2468 — To require a report on the total land owned by the federal government and the total cost to maintain it.**

The federal government is largest landholder in the United States, with acreage growing steadily each year.

Every year Congress is appropriating hundreds of millions of dollars to grow federal land holdings further. Similarly, Members of Congress (and taxpayers) are being asked to address ever growing maintenance backlogs on existing federal lands that threaten the health and safety of visitors.

Yet, the federal government does not have a unified reporting process that lets taxpayers and Members of Congress know precisely the amount of land owned and maintained by the federal government. Since 2005, the federal government has halted reporting on total federal land “in the public domain,” which includes the vast majority of land holdings.

The Coburn amendment would require the President to submit to Congress a report of all federal land holdings and the cost of maintain the land holdings.

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

According to the non-partisan Congressional Research Service, “Total federal land in the United States is not definitively known. Different sources have significantly different estimates.”<sup>1</sup>

In fact, 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>2</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,

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<sup>1</sup> Gorte, Ross and Carol Hardy-Vincent, Congressional Research Service Report: “Federal Land Management Agencies,” February 9, 2009. <http://apps.crs.gov/products/r/pdf/R40225.pdf>.

<sup>2</sup> General Services Administration website, “Executive Order 13327,” Last accessed on September 18, 2009, [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)

between fiscal years 2004 and 2005, the government decided to stop releasing information on public domain lands.<sup>3</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.

The difference in transparency between 2004 and 2005 is stark. In its annual report for 2004, GSA estimated federal land holdings at 654.7 million acres. One year later, the 2005 annual report estimated federal land holdings at 54.9 million acres. Though public domain lands are no longer included, they comprise the overwhelming majority of federal land holdings.

This amendment will afford the Administration an opportunity to bring greater transparency to federal lands ownership, and give taxpayers and their elected legislative representatives the basic data they need to make informed decisions.

If governments are able to track the exact acreage owned by individual Americans and their businesses, is it not fair to ask the federal government to track its own property holdings?

### **Federal land ownership is vast and has been steadily increasing.**

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>4</sup> Between 1997 and 2004, the latest years for which reliable information is available, federal land ownership is estimated to have increased from 563.3 million acres to 654.7 million.<sup>5</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.

This means that the federal government likely owns nearly one in three acres nationwide, and one out of every two in the West.

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.

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<sup>3</sup> General Service Administration: "Federal Real Property Report," Last accessed on September 17, 2009, [http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA\\_BASIC&contentId=23962](http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=23962).

<sup>4</sup> Central Intelligence Agency website, "The World Factbook: United States of America," Last accessed on September 18, 2009, <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html>.

<sup>5</sup> General Service Administration: "Federal Real Property Report," Last accessed on September 17, 2009, [http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA\\_BASIC&contentId=23962](http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=23962).

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>6</sup>

Over the past nine years (FY 2001-2009), Congress has appropriated \$2.04 billion to grow federal land holdings.<sup>7</sup>

As Congress and the agencies continue to expand federal land holding, the impact on growing maintenance backlogs is undeniable. Also, as federal land holdings grow, there is an impact on private development and economic opportunity.

As Members of Congress face these debates, it must have basic tools, such as the total land owned and maintained by the federal government.

### **The maintenance backlog on federal properties grows substantially.**

While 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.

In what the Government Accountability Office (GAO) describes as a “major management challenge,” analysts estimate that the Department of Interior faces a maintenance backlog of between \$13.2 billion and \$19.4 billion, up 60 percent since their 2003 estimate was released.<sup>8</sup> This estimate only includes three of the four major federal land management agencies (excludes the Forest Service).

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.

According to the Congressional Research Service, the National Park Service maintenance backlog reached \$9.6 billion in FY 2007, having more than doubled since FY 1999.<sup>9</sup>

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<sup>6</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.

<sup>7</sup> Vincent, Carol Hardy, Congressional Research Service: “Land and Water Conservation Fund,” January 7, 2009.

<sup>8</sup> Nazzaro, Robin, Government Accountability Office: “Department of Interior, Major Management Challenges,” March 3, 2009,

<sup>9</sup> Vincent, Carol Hardy, Congressional Research Service: National Park Management; August 15, 2008.

Despite historic appropriation levels, a recent congressional inquiry revealed that the NPS maintenance backlog grew by \$400 million during a nine month period last year.<sup>10</sup> The maintenance backlog now exceeds \$10 billion.

In a memo prepared by the Facility Management Division of the National Park Service the agency reveals that there at least 10 states where NPS maintenance backlogs exceed \$100 million. At least twenty states have facilities with deferred maintenance exceeding \$50 million<sup>11</sup> (this excludes over \$4 billion in NPS road/bridge backlogs).

The total maintenance backlog at national parks is several states have skyrocketed. Sample: \$1.4 billion in California, \$268 million in Nevada, \$779 million in New York, \$303 million in Texas, and \$541 million in Wyoming.

The USS Arizona (where 1,117 American patriots lost their lives in the savage Pearl Harbor attack) now faces a maintenance backlog of \$33.4 million. “The visitor center at the USS Arizona Memorial in Hawaii is sinking and may cost as much as \$20 million to repair—a cost that exceeds the entire annual budget for the seven national park sites in the state.”<sup>12</sup>

The Gettysburg National Battlefield, site of the 51,000 American casualties, now faces \$29.4 million backlog.

Perhaps the greatest symbol of our nation, Statue of Liberty Park faces a \$196.9 million maintenance backlog.<sup>13</sup>

Grand Canyon National Park faces a backlog of \$299.2 million.<sup>14</sup>

In Montana, Glacier National Park faces a staggering maintenance backlog of \$400 million, including the stabilization of historic structures.<sup>15</sup> A former NPS official described the park as “bankrupt.”<sup>16</sup>

A leading parks advocacy group places the Petrified Forest National Park among the most ten most endangered parks in America<sup>17</sup>.

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<sup>10</sup> National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

<sup>11</sup> Summary Provided to Congressional Research Service: NPS Asset Management Challenge, December 11, 2007.

<sup>12</sup> National Parks Conservation Association; “Overwhelming Backlogs, Maintenance Needs;” last accessed on February 3, 2009; [http://www.npca.org/what\\_we\\_do/visitor\\_experience/backlog/maintenance.html](http://www.npca.org/what_we_do/visitor_experience/backlog/maintenance.html).

<sup>13</sup> National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

<sup>14</sup> National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

<sup>15</sup> National Parks Conservation Association: “Overwhelming Backlog,” Last accessed on March 13, 2009, [http://www.npca.org/what\\_we\\_do/visitor\\_experience/backlog/maintenance.html](http://www.npca.org/what_we_do/visitor_experience/backlog/maintenance.html).

<sup>16</sup> Jamison, Michael, The Missoulian: “Visits, and bills, rise - Funding cuts, more tourists strain infrastructure,” <http://www.missoula.com/news/node/1721>.

<sup>17</sup> National Parks Conservation Association: “Group Names Annual List of America's Ten Most Endangered National Parks,” April 4, 2001, [http://www.npca.org/media\\_center/press\\_releases/2001/page-27598999.html](http://www.npca.org/media_center/press_releases/2001/page-27598999.html).

## **The situation is not much better at the other land management agencies receiving funds to purchase new lands.**

The Forest Service maintenance backlog now stands at \$5.1 billion, according to the Congressional Research Service.<sup>18</sup> However, some experts estimate that the FS backlog on roads maintenance alone stands at \$10 billion.<sup>19</sup> The FS acknowledges that it is only able to maintain 36 percent of its roads to standard.<sup>20</sup>

The US Fish and Wildlife Service's National Wildlife Refuge System faces a backlog of \$3.5 billion (2007). According to one Refuge expert, "Across the Refuge System, refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated."<sup>21</sup>

The Bureau of Land Management backlog, while the smallest, is estimated at nearly \$500 million.

## **The health and safety of visitors in seriously threatened by growing maintenance backlogs.**

According to the Inspector General of the Department of the Interior, "Financial management has remained a top challenge for the department," "[And] our work has documented decades of maintenance, health and safety issues that place [Interior] employees and the public at risk."<sup>22</sup>

The GAO notes: "The deterioration of facilities can impair public health and safety, reduce employees' morale and productivity, and increase the need for costly major repairs or early replacement of structures and equipment."

A recent report by the Coalition of National Park Service Retirees found, "widespread evidence of major problems that will be evident - including decreased safety for visitors, longer emergency response times, endangerment of protected

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<sup>18</sup> Vincent, Carol Hardy, Congressional Research Service: "Interior, Environment and Related Agencies FY 2010 Appropriations," <http://apps.crs.gov/products/r/pdf/R40685.pdf>.

<sup>19</sup> Wild West Institute website, "Green Jobs Needed in Rural Areas, Too," Last Accessed on September 18, 2009, [http://www.democracyinaction.org/dia/organizations/WildWest/blog/comments.jsp?blog\\_entry\\_KEY=23296&t=](http://www.democracyinaction.org/dia/organizations/WildWest/blog/comments.jsp?blog_entry_KEY=23296&t=).

<sup>20</sup> Wildlands CPR website, "Can the Forest Service Rightsize the National Forest Road System,"

<sup>21</sup> Mudderman, Dennis, Board Member, Friends of Tamarac National Wildlife Refuge, "Testimony Before Senate Subcommittee on Interior, Environment and Related Agencies," April 25, 2008. [refugeassociation.org/.../Friends%20Testimony/Friends%20of%20Tamarac%20NWR.doc](http://refugeassociation.org/.../Friends%20Testimony/Friends%20of%20Tamarac%20NWR.doc).

<sup>22</sup> Kendall, Mary, Acting Inspector General of the Department of the Interior: "Testimony before House Committee on Appropriations, Subcommittee on Interior," March 3, 2009.

resources, and dirtier and less well-maintained parks - and that the problems will only grow worse in the coming years."<sup>23</sup>

Historic examples of the impact on parks' visitors have included:

At the Grand Canyon (2008), "The cross-canyon waterline is deteriorating so badly that it had 30-some leaks this year and is in danger of failing entirely."<sup>24</sup>

At Yellowstone, "about 10,000 gallons of raw sewage leaked from a broken pipe and may have flowed into a trout-spawning stream in Yellowstone National Park."<sup>25</sup>

At Carlsbad Caverns, maintenance needs were so pressing at one point that sewer lines were actually leaking into the historic caves. Carlsbad superintendent Benjamin said: "Believe me, if there's sewage dripping down into that cavern, people are not going to believe we're doing a good job."<sup>26</sup>

According to Representative Rob Bishop (UT), Dinosaur National Monument is largely inaccessible due to its overwhelming backlog: The center is designed "so a kid can go in there and actually see within the mountainside the fossils that are still there and see what scientists say is the beginning and be able to put them together. Unfortunately, no one has been able to access this building for the last 10 years because we don't have enough money to fix this building, which has been condemned."<sup>27</sup>

**As growing federal land ownership seriously jeopardizes the future of existing commitments like our national parks, and threatens the health and safety of the American public, Congress needs this basic transparency tool to make better informed decisions.**

The federal government should not be able to hide behind executive orders, and inconsistent land transparency tools. The American people have a right to know how much land they are expected to maintain as taxpayers, and their elected representative need this basic tool to make informed decisions.

Outside the beltway of Washington, DC, this amendment is plain common sense. It does not prevent the land acquisition laid out in the bill, It simply asks the

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<sup>23</sup> Coalition of National Park Service Retirees: "A Reality Check- What Visitors Will To America's National Parks Will Experience During Summer 2006," June 15, 2006, <http://www.npsretirees.org/cnpsr/reality-check-summer-survey>.

<sup>24</sup> The Arizona Republic, Editorial: "A Chasm in Funding," December 29, 2008, <http://www.azcentral.com/arizonarepublic/opinions/articles/2008/12/29/20081229mon1-29.html>.

<sup>25</sup> New York Times: National Brief, June 9, 2001, <http://query.nytimes.com/gst/fullpage.html?res=9B03E2D9143EF93AA35755C0A9679C8B63>.

<sup>26</sup> NATIONAL PARKS FAST FALLING INTO DISREPAIR: From aging facilities to overgrown trails, reaching the backcountry is getting harder. May 25, 2004 <http://www.csmonitor.com/2004/0525/p01s02-usgn.html>.

<sup>27</sup> Bishop, Representative Rob, Congressional Record, Page H 3284, March 11, 2009.

Administration to be transparent when it comes to reporting total federal land acreage.

