

U.S. SENATE INTRODUCTORY STATEMENT (5/20/08) – FLAIR Act – S. 3043

By Mrs. McCASKILL (for herself and Mr. *Hatch*):

S. 3043. A bill 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the Interior to develop a multipurpose cadastre of Federal and real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. McCASKILL. Mr. President, have you ever flown over the heartland of the United States and wondered how the Midwest and West got its distinctive and remarkable checkerboard pattern?

The reason for that extraordinary system is a law enacted on this date in 1785. On May 20, 1785, Congress enacted a bill that laid the foundation for American land policy. The Land Ordinance of 1785 provided that from a point of beginning in East Liverpool, Ohio, the new Northwest Territory was to be systematically surveyed and the lands subdivided into settlements and townships. Of the thirty-six sections of 640 acres in each township, the sixteenth was reserved "for the maintenance of public schools." Congress began an extraordinary process of inventorying the lands to the west, providing for settlement and homesteads, surveying and subdividing the lands, and providing land for Revolutionary War soldiers, as payment in lieu of compensation to relieve the new Republic of its war debts to those who fought for our freedom.

But while these early Acts of Congress, beginning with the Land Ordinance of 1785, the Northwest Ordinance of 1787, through the Homestead Act of 1862 and the more recent Federal Land Policy and Management Act FLPMA in 1976, all contributed to the inventorying, surveying, preservation, disposal and settlement of lands of the West, to this day the United States does not have a current, accurate inventory of the lands the Federal government owns.

The fact is, the Federal Government does not know what it owns, where it owns it, what condition it is in, what its characteristics are, or what its designated use should be. This is the third consecutive Congress in which Congress's watchdog agency, the Government Accountability Office placed "Managing Federal Real Property" in the High-Risk Series, a category describing those activities with the highest risk of waste, fraud or abuse.

The GAO, GAO-03-122, found over 30 Federal agencies control hundreds of thousands of real property assets worldwide, including facilities and land. However, the portfolio is not well managed, many assets are no longer consistent with agency mission or needs, and many assets are in an alarming state of disrepair. Also, GAO, GAO-T-RCED-95-117, told Congress, "The General Services Administration, GSA, publishes statistics on the amount of land managed by each federal agency. However, we found this information was not current or reliable."

To remedy the lack of a current accurate inventory of all Federal real property, and the duplication and inefficiency of the many property databases the government does maintain, I am today introducing the Federal Land Asset Inventory Reform, FLAIR, Act, along with my colleague

Senator *Orrin Hatch* of Utah. Our bill is a companion to H.R. 5532, introduced in the House on a bipartisan basis by Representative **KIND** of Wisconsin and Representative **CANNON** of Utah.

There is no reason for the Government to lack a current, accurate inventory of all the land it has been entrusted to manage for the citizens of the United States. With the technology available, it should not happen that then-Secretary of the Interior Gale Norton would testify before the

House Interior Appropriations Subcommittee on March 2, 2005 that ``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."

It is time the U.S. Government invested in a methodology and technology to identify and inventory its land holdings. Such a system can help enhance the Federal land management, resource conservation, environmental protection, and use of Federal real property. We should not be creating multiple inventories when today's technology permits us to do it once and use it many times. Gathering information to solve national problems should not require an Act of Congress, particularly when a few keystrokes on a computer will do the job.

Although the Bush administration took a step toward solving this problem when President Bush issued Executive Order 13327 in 2004, the resulting GSA inventory is neither GIS-based nor includes public lands. Unfortunately, this means that more than 300 million acres are exempt from the inventory currently maintained by GSA.

Since 1980, the National Academy of Sciences has been calling for the development of a multipurpose cadastre, or land registry, in its report, ``Need for a Multipurpose Cadastre." The report 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." In 2007, the Academy renewed this effort and recommended the idea of the FLAIR Act, in its report, ``National Land Parcel Data: A Vision for the Future."

This Federal effort will also help State and local agencies verify their ongoing efforts to identify what each level of government owns, and permit the fair, efficient and equitable taxation of private property. This will enable government at all levels to find missing lands through a gap analysis that identifies properties on which taxes are not being collected due to the inefficiencies in our systems. For example, when the State of Wyoming used a GIS to audit the mass appraisal process, it found that approximately 250,000 parcels were not on the tax rolls.

Over the past decade, nearly 30 Governors and State Legislatures have created State land inventories. Let me give you a few examples of what some States have found.

In California, an inventory discovered that in 1955, the State purchased a golf course in Oakland to make way for a highway. The road was never built, and the State still owns the land, unbeknownst to any State agency.

In South Carolina, a State commission found the University of South Carolina, a State university, still owned Wedge Plantation, a 1,500 acre tract valued at \$5 million, originally used for research of insect-borne diseases, but now leased to a half-dozen hunters who pay no rent.

While serving as Missouri State Auditor, my office issued a report noting that the Missouri Department of Transportation lacked accurate and reliable records of excess property and property being held for future projects. The best MoDOT could do was estimate the amount and value of the land they held.

The FLAIR Act addresses the twin problems of a lack of a single, interoperable, current and accurate Federal land inventory, and the proliferation of inefficient, duplicative, costly, inaccurate and out-of-date inventories by authorizing 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.

Waste and duplication can be avoided if the Government knew what inventories it had. The FLAIR Act also authorizes the Secretary of the Interior 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 from continuing. By integrating the efficient databases, redundancy can be identified and eliminated. Resources can be applied to gaps in data rather than duplicative data.

Once a 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. That is what the FLAIR Act provides.

I urge my colleagues to join Senator *Hatch* and myself in enacting this good-government bill.
