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Federal Land Ownership: Overview and Data

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Summary

The federal government owns roughly 640 million acres, about 28% of the 2.27 billion acres of land in the United States. Four major federal land management agencies administer 606.5 million acres of this land (as of September 30, 2018). They are the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI) and the Forest Service (FS) in the Department of Agriculture. A fifth agency, the Department of Defense (excluding the U.S. Army Corps of Engineers), administers 8.8 million acres in the United States (as of September 30, 2017), consisting of military bases, training ranges, and more. Together, the five agencies manage about 615.3 million acres, or 27% of the U.S. land base. Many other agencies administer the remaining federal acreage.

The lands administered by the four major agencies are managed for many purposes, primarily related to preservation, recreation, and development of natural resources. Yet the agencies have distinct responsibilities. The BLM manages 244.4 million acres and the FS manages 192.9 million acres under similar multiple-use, sustained-yield mandates that support a variety of activities and programs. The FWS manages 89.2 million acres of the U.S. total, primarily to conserve and protect animals and plants. In FY2018, the NPS managed 79.9 million acres in 417 diverse units to conserve lands and resources and make them available for public use. The 8.8 million acres of DOD lands are managed primarily for military training and testing.

The amount and percentage of federally owned land in each state vary widely, ranging from 0.3% of land (in Connecticut and Iowa) to 80.1% of land (in Nevada). However, federal land ownership is concentrated in Alaska (60.9%) and 11 coterminous western states (45.9%), in contrast with lands in the other states (4.1%). This western concentration has contributed to a higher degree of controversy over federal land ownership and use in that part of the country.

Throughout America's history, federal land laws have sought to dispose of some federal lands while keeping others in federal ownership. During the 19th century, many laws encouraged western settlement through federal land disposal. Mostly in the 20th century, emphasis shifted to retention of federal lands. Congress has provided the agencies with varying land acquisition and disposal authorities, ranging from restricted (NPS) to broad (BLM). As a result of acquisitions and disposals, from 1990 to 2018, total federal land ownership by the five agencies declined by 31.5 million acres (4.9%), from 646.9 million acres to 615.3 million acres. Much of the decline is due to BLM land disposals in Alaska and reductions in DOD ownership in favor of other legal arrangements. By contrast, land ownership by the NPS, FWS, and FS increased over the 28-year period. Further, 15 states had decreases of federal land during this period and the other states had varying increases.

Numerous issues affecting federal land management are before Congress. One set of issues relates to the extent of federal ownership and whether to decrease, maintain, or increase the amount of federal holdings; the concentration of federal lands in the West; the suitability and use of acquisition and disposal authorities; and the amount, type, and location of use of acquisition funding. A second issue is the priority of acquiring new lands versus addressing the condition of current federal infrastructure. The $19.38 billion maintenance backlog of the four major land management agencies is a factor in the debate. A third focus is the optimal balance between land protection and use (e.g., for energy development, livestock grazing, recreation, and other purposes), and whether federal lands should be managed primarily to benefit the nation as a whole or to benefit the localities and states in which the federal lands are located. Fourth, border control on federal lands along the southwestern border presents particular challenges due to the length of the border, differing agency missions, and divergent views on constructing border barriers.

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Introduction

Today the federal government owns and manages roughly 640 million acres of land in the United States, or roughly 28% of the 2.27 billion total land acres.[1] Four major federal land management agencies manage 606.5 million acres of this land, or about 95% of all federal land in the United States. These agencies are as follows: Bureau of Land Management (BLM), 244.4 million acres; Forest Service (FS), 192.9 million acres; Fish and Wildlife Service (FWS), 89.2 million acres; and National Park Service (NPS), 79.9 million acres. Most of these lands are in the West, including Alaska. A fifth agency, the Department of Defense (DOD) administers 8.8 million acres in the United States,[2] about 1% of all federal land.[3] Together, the five agencies manage about 615.3 million acres. The remaining acreage, approximately 4% of all federal land in the United States, is managed by a variety of other government agencies.

Ownership and use of federal lands have stirred controversy for decades.[4] Conflicting public values concerning federal lands raise many questions and issues, including the extent to which the federal government should own land; whether to focus resources on maintenance of existing infrastructure and lands or acquisition of new areas; how to balance use and protection; and how to ensure the security of international borders along the federal lands of multiple agencies. Congress continues to examine these questions through legislative proposals, program oversight, and annual appropriations for the federal land management agencies.

Historical Background

Federal lands and resources have played a significant role in American history, adding to the strength and stature of the federal government, serving as an attraction and opportunity for settlement and economic development, and providing a source of revenue for schools, transportation, national defense, and other national, state, and local needs.

The formation of the U.S. federal government was particularly influenced by the struggle for control over what were then known as the "western" lands—the lands between the Appalachian Mountains and the Mississippi River that were claimed by the original colonies. The original

[1] Total federal land in the United States is not definitively known. The estimate of 640 million acres presumes that the five agencies of focus in this report have accurate data on lands under their jurisdiction. The combined total for the five agencies is estimated at 615.3 million acres, as shown in **Table 1**. Other agencies are presumed to encompass about 20 million acres of federal land, although this estimate is rough. The estimate of 640 million acres generally excludes lands in marine refuges and national monuments and ownership of interests in lands (e.g., subsurface minerals, easements). It also does not reflect Indian lands, many of which are held in trust by the federal government but are not owned by the federal government. According to the Bureau of Indian Affairs (BIA), the United States holds approximately 56 million acres in trust for various Indian tribes and individuals. There are also other types of Indian lands. See U.S. Department of the Interior, BIA, "Frequently Asked Questions," at https://www.bia.gov/FAQs/.

[2] Acreage figures for the four land management agencies are current as of September 30, 2018; the Department of Defense (DOD) figure is current as of September 30, 2017 (the most recent available). The DOD figure excludes land managed by the U.S. Army Corps of Engineers.

[3] In addition, Forest Service (FS), Fish and Wildlife Service (FWS), National Park Service (NPS), and DOD manage varying acreages in the U.S. territories; FWS manages additional acres of marine refuges and national monuments; and DOD manages additional acres overseas.

[4] In this report, the term *federal land* is used to refer to any land owned (fee simple title) and managed by the federal government, regardless of its mode of acquisition or managing agency; it excludes lands administered by a federal agency under easements, leases, contracts, or other arrangements. *Public land* is used to refer to lands managed by the Bureau of Land Management (BLM) as defined in 43 U.S.C. §1702(e).

states reluctantly ceded the lands to the developing new government. This cession, together with granting constitutional powers to the new federal government, including the authority to regulate federal property and to create new states, played a crucial role in transforming the weak central government under the Articles of Confederation into a stronger, centralized federal government under the U.S. Constitution.

Subsequent federal land laws sought to reserve some federal lands (such as for national forests and national parks) and to sell or otherwise dispose of other lands to raise money or encourage transportation, development, and settlement. From the earliest days, these options took on East/West overtones, with easterners more likely to view the lands as national public property, and westerners more likely to view the lands as necessary for local use and development. Most agreed, however, on measures that promoted settlement of the lands to pay soldiers, to reduce the national debt, and to strengthen the nation. This settlement trend accelerated with federal acquisition of additional territory through the Louisiana Purchase in 1803, the Oregon Compromise with England in 1846, and cession of lands by treaty after the Mexican War in 1848.[5]

In the mid-to-late 1800s, Congress enacted many laws to encourage and accelerate the settlement of the West by disposing of federal lands. Examples include the Homestead Act of 1862 and the Desert Lands Entry Act of 1877. Approximately 1.29 billion acres of public domain land was transferred out of federal ownership between 1781 and 2018. The total included transfers of 816 million acres to private ownership (individuals, railroads, etc.), 328 million acres to states generally, and 143 million acres in Alaska under state and Native selection laws.[6] Most transfers to private ownership (97%) occurred before 1940; homestead entries, for example, peaked in 1910 at 18.3 million acres but dropped below 200,000 acres annually after 1935, until being fully eliminated in 1986.[7]

Although several earlier laws had protected some lands and resources, such as salt deposits and certain timber for military use, new laws in the late 1800s reflected the growing concern that rapid development threatened some of the scenic treasures of the nation, as well as resources that would be needed for future use. A preservation and conservation movement evolved to ensure that certain lands and resources were left untouched or reserved for future use. For example, Yellowstone National Park was established in 1872 to preserve its resources in a natural condition, and to dedicate recreation opportunities for the public. It was the world's first national park,[8] and like the other early parks, Yellowstone was protected by the U.S. Army—primarily

[5] These major land acquisitions gave rise to a distinction in the laws between *public domain lands*, which essentially are those ceded by the original states or obtained from a foreign sovereign (via purchase, treaty, or other means), and *acquired lands*, which are those obtained from a state or individual by exchange, purchase, or gift. About 90% of all federal lands are public domain lands, while the other 10% are acquired lands. Many laws were enacted that related only to public domain lands. Even though the distinction has lost most of its underlying significance today, different laws may still apply depending on the original nature of the lands involved.

[6] U.S. Dept. of the Interior, Bureau of Land Management, *Public Land Statistics, 2018*, Table 1-2, at https://www.blm.gov/sites/blm.gov/files/PublicLandStatistics2018.pdf.

[7] U.S. Dept. of Commerce, Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (Washington, DC: GPO, 1976), H.Doc. 93-78 (93rd Congress, 1st Session), pp. 428-429. The homesteading laws were generally repealed in 1976, although homesteading was allowed to continue in Alaska for another 10 years.

[8] Act of March 1, 1872; 16 U.S.C. §21, et seq. "Yo-Semite" had been established by an act of Congress in 1864, to protect Yosemite Valley from development, but was transferred to the State of California to administer. In 1890, surrounding lands were designated as Yosemite National Park, and in 1905, Yosemite Valley was returned to federal jurisdiction and incorporated into the park. Still earlier, Hot Springs Reservation (AR) had been reserved in 1832; it was dedicated to public use in 1880 and designated as Hot Springs National Park in 1921.

from poachers of wildlife or timber. In 1891, concern over the effects of timber harvests on water supplies and downstream flooding led to the creation of forest reserves (renamed national forests in 1907).

Emphasis shifted during the 20th century from the disposal and conveyance of title to private citizens to the retention and management of the remaining federal lands. During debates on the Taylor Grazing Act of 1934,[9] some western Members of Congress acknowledged the poor prospects for relinquishing federal lands to the states, but language included in the act left disposal as a possibility. It was not until the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA) that Congress expressly declared that the remaining public domain lands generally would remain in federal ownership.[10] This declaration of permanent federal land ownership was a significant factor in what became known as the Sagebrush Rebellion, an effort that started in the late 1970s to strengthen state or local control over federal land and management decisions. Recently, there has been renewed interest in some western states in assuming ownership of some federal lands within their borders. This interest stems in part from concerns about the extent, condition, and cost of federal land ownership and the type and amount of land uses and revenue derived from federal lands. Judicial challenges and legislative and executive efforts generally have not resulted in broad changes to the level of federal ownership. Current authorities for acquiring and disposing of federal lands are unique to each agency.[11]

Current Federal Land Management

The creation of national parks and forest reserves laid the foundation for the current federal agencies whose primary purposes are managing natural resources on federal lands—the BLM, FS, FWS, and NPS. These four agencies were created at different times, and their missions and purposes differ. As noted, DOD is the fifth-largest land management agency, with lands consisting of military bases, training ranges, and more. These five agencies, which together manage about 96% of all federal land, are described below. Numerous other federal agencies—the U.S. Army Corps of Engineers, Bureau of Reclamation,[12] Post Office, the National Aeronautics and Space Administration, the Department of Energy, and many more—each administer relatively small amounts of additional federal lands.

[9] 43 U.S.C. §§315, et seq.

[10] 43 U.S.C. §§1701, et seq. The Federal Land Policy and Management Act of 1976 (FLPMA) also established a comprehensive system of management for the remaining western public lands, and a definitive mission and policy statement for the BLM.

[11] For a description of these authorities, see CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by Carol Hardy Vincent et al.

[12] The Bureau of Reclamation (Reclamation), a federal agency created in 1902, is responsible for much of the water infrastructure in the 17 states west of the Mississippi River. Reclamation is the largest water wholesaler in the country and provides irrigation water for 10 million acres of farmland. Pursuant to its authorities to develop and maintain water resources infrastructure, Reclamation owns approximately 6 million acres of land in the western United States.

Agencies[13]

Bureau of Land Management

The BLM was formed in 1946 by combining two existing agencies.[14] One was the Grazing Service (first known as the DOI Grazing Division), established in 1934 to administer grazing on public rangelands. The other was the General Land Office, which had been created in 1812 to oversee disposal of the federal lands.[15] The BLM currently administers 244.4 million acres, more federal lands in the United States than any other agency. BLM lands are heavily concentrated (more than 99%) in the 11 contiguous western states and Alaska.[16]

As defined in FLPMA,[17] BLM management responsibilities are similar to those of the FS—sustained yields of multiple uses, including recreation, grazing, timber, energy and minerals, watershed, wildlife and fish habitat, and conservation. However, each agency historically has emphasized different uses. For instance, more rangelands are managed by the BLM, while most federal forests are managed by the FS. In addition, the BLM administers more than 700 million acres of federal subsurface mineral estate throughout the nation.[18]

Forest Service

The FS is the oldest of the four federal land management agencies. It was established in the Department of Agriculture (USDA) in 1905 and is charged with conducting forestry research, providing assistance to nonfederal forest owners, and managing the National Forest System (NFS).[19] Today, the FS administers 192.9 million acres of land in the United States,[20] predominantly in the West, while also managing about three-fifths of all federal lands in the East (as shown in **Table 5**).

The first forest reserves—later renamed national forests—originally were authorized to protect the lands, preserve water flows, and provide timber. These purposes were expanded in the Multiple Use-Sustained Yield Act of 1960.[21] This act added recreation, livestock grazing, and wildlife and fish habitat as purposes of the national forests, with wilderness added in 1964.[22] The

[13] For a list of CRS experts for federal land management agencies and issues, see CRS Report R42656, *Federal Land Management Agencies and Programs: CRS Experts*, by R. Eliot Crafton.

[14] Paul W. Gates, *History of Public Land Law Development*, written for the Public Land Law Review Commission (Washington, DC: GPO, Nov. 1968), pp. 610-622.

[15] The General Land Office administered the forest reserves prior to the creation of the FS in 1905.

[16] The 11 western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Data on BLM acreage by state was provided by BLM to CRS on December 16, 2019. Figures represent acreage as of September 30, 2018.

[17] FLPMA is sometimes called the BLM Organic Act.

[18] Not all of the more than 700 million acres contain extractable mineral and energy resources.

[19] In 1891, Congress had authorized the President to establish forest reserves from the public domain lands administered by the Department of the Interior (Act of March 3, 1891; 16 U.S.C. §471). This authority was repealed in 1976. See also the Organic Administration Act of 1897, 16 U.S.C. §§473 et seq.

[20] U.S. Dept. of Agriculture, Forest Service, *Land Areas of the National Forest System—As of Sept 30, 2018*, Tables 1 and 4, at https://www.fs.fed.us/land/staff/lar/LAR2018/lar2018index.html. Data reflect land within the National Forest System, including national forests, national grasslands, purchase units, land utilization projects, experimental areas, and other areas. The FS manages an additional 28,937 acres in the U.S. territories.

[21] 16 U.S.C. §§528-531.

[22] The Wilderness Act of 1964, 16 U.S.C. §§1131-1136.

act directed that these multiple uses be managed in a "harmonious and coordinated" manner "in the combination that will best meet the needs of the American people." The act also directed the FS to manage renewable resources under the principle of sustained yield, meaning to achieve a high level of resource outputs in perpetuity without impairing the productivity of the lands.

Fish and Wildlife Service

The first national wildlife refuge was established by executive order in 1903, although it was not until 1966 that the refuges were aggregated into the National Wildlife Refuge System (NWRS) administered by the FWS.[23] The NWRS includes wildlife refuges, national monument areas, waterfowl production areas, and wildlife coordination units. Outside of the NWRS, the FWS administers lands for administrative sites, National Fish Hatcheries, and national monument areas. In total, the FWS administers 89.2 million acres of federal land in the United States, of which 76.6 million acres (85.9%) are in Alaska.[24]

The NWRS's mission is to administer a network of lands and waters for the conservation, management, and restoration of fish, wildlife, and plants and their habitats.[25] Other uses (recreation, hunting, timber cutting, oil or gas drilling, etc.) may be permitted, to the extent that they are compatible with the NWRS mission and an individual unit's purpose.[26] However, wildlife-related activities (hunting, bird watching, hiking, education, etc.) are considered "priority uses" and are given priority consideration in refuge planning. It can be challenging to determine compatibility, but the relative clarity of the mission generally has minimized conflicts over refuge management and use, although there are exceptions.[27]

National Park Service

The NPS was created in 1916 to manage the growing number of park units established by Congress and monuments proclaimed by the President.[28] By September 30, 2018, the National Park System had grown to 417 units with 79.9 million acres of federal land in the United States. About two-thirds of the lands (52.5 million acres, or 65. 6%) are in Alaska.[29] NPS units have

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[23] National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. §§668dd-668ee.

[24] U.S. Dept. of the Interior, Fish and Wildlife Service, *2018 Annual Lands Report Data Tables, as of September 30, 2018*, Table 1A, at https://www.fws.gov/refuges/land/PDF/2018_Annual_Report_of_Lands_Data_Tables.pdf. Data reflect federally owned lands, submerged lands, and waters, over which the FWS has sole or primary jurisdiction in the 50 states. The FWS manages an additional 24,773 acres in the U.S. territories and an estimated 662 million acres within the U.S. Minor Outlying Islands, which primarily include marine areas in the Pacific Ocean.

[25] 16 U.S.C. §668dd(a)(2).

[26] In the case where the NWRS mission and a unit's purpose are in conflict, the unit's purpose takes priority (16 U.S.C. §§668dd(a)(4)(D)). For example, see CRS Report RL33872, *Arctic National Wildlife Refuge (ANWR): An Overview*, by Laura B. Comay, Michael Ratner, and R. Eliot Crafton.

[27] On some FWS lands, there are preexisting property rights, particularly of subsurface resources, but also easements or rights-of-way. In such cases, use of these rights may conflict with primary uses of a refuge. Where possible, the FWS may seek to acquire these rights through purchase from willing sellers.

[28] NPS was created by the Act of Aug. 25, 1916; 16 U.S.C. §§1-4.

[29] This text identifies the number of NPS units in existence on September 30, 2018, for consistency with the acreage data presented for the other agencies, which are from that date (except for DOD). See U.S. Dept. of the Interior, National Park Service, Land Resources Division, *Acreage by State*, as of 9/30/2018, at https://www.nps.gov/subjects/lwcf/upload/NPS-Acreage-9-30-2018.pdf. Data reflect federally owned lands managed by the NPS, as of September 30, 2018. Also, the NPS managed an additional 26,852 acres in the U.S. territories as of that date. Currently, the National Park System contains 419 units, with 80.0 million acres in the U.S. and an additional 26,852 acres in the territories as of December 31, 2019.

diverse titles—national park, national monument, national preserve, national historic site, national recreation area, national battlefield, and many more.[30]

The NPS has a dual mission—to preserve unique resources and to provide for their enjoyment by the public. Activities that harvest or remove resources from NPS lands generally are prohibited. Park units include spectacular natural areas, unique prehistoric sites, and special places in American history, as well as recreational opportunities. The tension between providing recreation and preserving resources has caused many management challenges.

Department of Defense

The National Security Act of 1947 established a Department of National Defense (later renamed the Department of Defense, or DOD) by consolidating the previously separate Cabinet-level Department of War (renamed Department of the Army) and Department of the Navy and creating the Department of the Air Force.[31] Responsibility for managing the land on federal military reservations was retained by these departments, with some transfer of Army land to the Air Force upon its creation.

There are more than 4,775 defense sites worldwide on a total of 26.9 million acres of land owned, leased, or otherwise possessed by DOD. Of the DOD sites, DOD owns 8.8 million acres in the United States, with individual parcel ownership ranging from 1 acre to more than a million acres.[32] Although management of military reservations remains the responsibility of each of the various military departments and defense agencies, those secretaries and directors operate under the centralized direction of the Secretary of Defense. With regard to natural resource conservation, defense instruction provides that

> The principal purpose of DOD lands, waters, airspace, and coastal resources is to support mission-related activities. All DOD natural resources conservation program activities shall work to guarantee DOD continued access to its land, air, and water resources for realistic military training and testing and to sustain the long-term ecological integrity of the resource base and the ecosystem services it provides.... DOD shall manage its natural resources to facilitate testing and training, mission readiness, and range sustainability in a long-term, comprehensive, coordinated, and cost-effective manner.[33]

Federal Land Ownership, 2018

The 615.3 million acres of federal land in the United States managed by the five major land management agencies represents about 27% of the total land base of 2.27 billion acres. **Table 1** provides data on the total acreage of federal land administered by the four major federal land management agencies and the DOD in each state and the District of Columbia. The lands administered by each of the five agencies in each state are shown in **Table 2**.[34] These tables

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[30] See CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

[31] Act of July 26, 1947; 50 U.S.C. §3001 et seq. (2012).

[32] See U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defense for Infrastructure, *Base Structure Report, Fiscal Year 2018 Baseline (A Summary of the Real Property Inventory Data)*, as of September 30, 2017, VI (hereinafter referred to as DOD FY2018 Baseline). Total DOD Inventory, pp. DOD-29 to DOD-88, at https://www.acq.osd.mil/eie/Downloads/BSI/Base%20Structure%20Report%20FY18.pdf. Unlike the data for the other agencies, the DOD data is current as of September 30, 2017. The source excludes U.S. Army Corps of Engineers lands.

[33] Department of Defense Instruction 4715.03 of March 18, 2011, p. 2.

[34] Some county-level data are available through the Payments in Lieu of Taxes (PILT) program, administered by the Department of the Interior. For these data, see at https://www.nbc.gov/pilt/states-payments.cfm. However, though most

reflect federal acreage as of September 30, 2018, except that DOD figures are current as of September 30, 2017. The figures understate total federal land, since they do not include lands administered by other federal agencies, such as the Bureau of Reclamation and the Department of Energy. **Table 1** also identifies the total acreage of each state and the percentage of land in each state administered by the five federal land agencies. These percentages point to significant variation in the federal presence within states. The figures range from 0.3% of land (in Connecticut and Iowa) to 80.1% of land (in Nevada). **Figure 1**, **Figure 2**, and **Figure 3** show these federal lands. **Figure 1** is a map of federal lands in the West; **Figure 2** is a map of federal lands in the East; and **Figure 3** is a map of federal lands in Alaska and Hawaii.

Although 15 states contain less than half a million acres of federal land,[35] the 11 western states and Alaska each have more than 10 million acres managed by these five agencies within their borders. This contrast is a result of early treaties, land settlement laws and patterns, and laws requiring that states agree to surrender any claim to federal lands within their border as a prerequisite for admission to the Union. Management of these lands is often controversial, especially in states where the federal government is a predominant or majority landholder and where competing and conflicting uses of the lands are at issue.

Table 1. Total Federal Land in the United States Administered by Five Agencies, by State, 2018

	Total Federal Acreage	Total Acreage in State	Federal Acreage's % of State
Alabama	880,188	32,678,400	2.7%
Alaska	222,666,580	365,481,600	60.9%
Arizona	28,077,992	72,688,000	38.6%
Arkansas	3,159,486	33,599,360	9.4%
California	45,493,133	100,206,720	45.4%
Colorado	24,100,247	66,485,760	36.2%
Connecticut	9,110	3,135,360	0.3%
Delaware	29,918	1,265,920	2.4%
District of Columbia	9,649	39,040	24.7%
Florida	4,491,200	34,721,280	12.9%
Georgia	1,946,492	37,295,360	5.2%
Hawaii[a]	829,830	4,105,600	20.2%
Idaho	32,789,648	52,933,120	61.9%
Illinois	423,782	35,795,200	1.2%
Indiana	384,726	23,158,400	1.7%

lands of the four major federal land management agencies are eligible for PILT payments, a small fraction are not. Also, DOD lands are among those generally not eligible for PILT payments. A small portion of PILT payments are made for certain lands managed by agencies other than the five covered in this report. Thus, the PILT county-level data do not always match the state acreage data shown in this report. For additional information on PILT, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by Katie Hoover.

[35] This includes 14 states and the District of Columbia. When referring to acreage figures in this report, *states* is often used to include the District of Columbia in addition to the 50 states.

	Total Federal Acreage	Total Acreage in State	Federal Acreage's % of State
Iowa	97,509	35,860,480	0.3%
Kansas	253,919	52,510,720	0.5%
Kentucky	1,100,160	25,512,320	4.3%
Louisiana	1,353,291	28,867,840	4.7%
Maine	301,481	19,847,680	1.5%
Maryland	205,362	6,319,360	3.2%
Massachusetts	62,680	5,034,880	1.2%
Michigan	3,637,599	36,492,160	10.0%
Minnesota	3,503,977	51,205,760	6.8%
Mississippi	1,552,634	30,222,720	5.1%
Missouri	1,702,983	44,248,320	3.8%
Montana	27,082,401	93,271,040	29.0%
Nebraska	546,852	49,031,680	1.1%
Nevada	56,262,610	70,264,320	80.1%
New Hampshire	805,472	5,768,960	14.0%
New Jersey	171,956	4,813,440	3.6%
New Mexico	24,665,774	77,766,400	31.7%
New York	230,992	30,680,960	0.8%
North Carolina	2,434,801	31,402,880	7.8%
North Dakota	1,733,641	44,452,480	3.9%
Ohio	305,502	26,222,080	1.2%
Oklahoma	683,289	44,087,680	1.5%
Oregon	32,244,257	61,598,720	52.3%
Pennsylvania	622,160	28,804,480	2.2%
Rhode Island	4,513	677,120	0.7%
South Carolina	875,316	19,374,080	4.5%
South Dakota	2,640,005	48,881,920	5.4%
Tennessee	1,281,362	26,727,680	4.8%
Texas	3,231,198	168,217,600	1.9%
Utah	33,267,621	52,696,960	63.1%
Vermont	465,888	5,936,640	7.8%
Virginia	2,373,616	25,496,320	9.3%
Washington	12,192,855	42,693,760	28.6%
West Virginia	1,134,138	15,410,560	7.4%
Wisconsin	1,854,085	35,011,200	5.3%
Wyoming	29,137,722	62,343,040	46.7%

	Total Federal Acreage	Total Acreage in State	Federal Acreage's % of State
U.S. Total	**615,311,596**	**2,271,343,360**	**27.1%**

Sources: For federal lands, see sources listed in **Table 2**. Total acreage of states is from U.S. General Services Administration, Office of Governmentwide Policy, *Federal Real Property Profile, as of September 30, 2004*, Table 16, pp. 18-19.

Notes: Figures understate federal lands in each state and the total in the United States. They include only land of the five largest land-managing agencies: BLM, FS, FWS, NPS, and DOD lands. Thus, the figures exclude federal lands managed by other agencies, such as the Bureau of Reclamation. They also exclude any land managed by the five agencies in the territories, DOD-managed acreage overseas, submerged lands in the outer continental shelf, and an estimated 662 million acres managed by FWS within the U.S. Minor Outlying Islands, primarily marine areas in the Pacific Ocean.

The total federal acreage column does not add to the precise total shown due to small discrepancies in the sources used. This is also the case for some other tables in this report. Also, here and throughout the report, figures might not sum to the totals shown due to rounding.

a. This figure includes approximately 253,000 acres of submerged lands and waters within the Hawaiian Islands National Wildlife Refuge. Thus, the percentage shown overestimates the area that is federally owned.

Table 2. Federal Acreage in Each State, by Agency, 2018

State	BLM	FS	FWS	NPS	DOD
Alabama	3,011	670,889	32,585	17,540	156,163
Alaska	71,397,880	22,138,560	76,649,320	52,455,308	25,512
Arizona	12,120,512	11,179,113	1,683,512	2,658,112	436,743
Arkansas	1,405	2,593,165	379,648	98,346	86,922
California	15,088,090	20,791,505	296,899	7,612,898	1,703,741
Colorado	8,352,437	14,487,064	174,983	665,260	420,503
Connecticut	0	23	1,754	5,846	1,487
Delaware	0	0	25,543	890	3,485
Dist. of Col.	0	0	0	8,476	1,173
Florida	2,239	1,203,418	293,636	2,469,173	522,734
Georgia	0	867,580	488,648	39,935	550,329
Hawaii[a]	0	0	309,594	358,160	162,076
Idaho	11,776,995	20,447,859	49,733	511,963	3,098
Illinois	20	304,538	90,000	12	29,212
Indiana	0	204,318	16,868	10,769	152,771
Iowa	0	0	73,427	2,708	21,374
Kansas	1	108,621	29,509	462	115,326
Kentucky	0	818,268	11,838	94,103	175,951
Louisiana	2,043	608,546	582,342	17,690	142,670
Maine	0	53,880	73,434	156,205	17,962
Maryland	548	0	49,795	41,532	113,487
Massachusetts	0	0	23,342	33,336	6,002
Michigan	610	2,874,631	117,816	632,280	12,262

State	BLM	FS	FWS	NPS	DOD
Minnesota	1,101	2,844,937	516,150	139,789	2,000
Mississippi	5,048	1,190,979	211,438	104,369	40,800
Missouri	59	1,507,891	61,368	54,569	79,096
Montana	8,022,852	17,186,331	653,097	1,214,193	5,928
Nebraska	5,325	351,205	174,401	5,899	10,022
Nevada	47,298,840	5,760,954	2,345,102	797,613	60,101
New Hampshire	0	753,921	34,716	13,696	3,139
New Jersey	0	0	73,785	35,683	62,488
New Mexico	13,500,023	9,225,354	332,058	468,968	1,139,371
New York	0	16,352	29,301	34,106	151,233
North Carolina	0	1,256,493	423,879	366,889	387,540
North Dakota	58,032	1,103,160	488,648	71,192	12,609
Ohio	0	244,440	9,109	20,290	31,663
Oklahoma	1,942	399,578	108,046	10,011	163,712
Oregon	15,742,384	15,697,445	575,379	196,197	32,852
Pennsylvania	0	513,891	12,614	53,460	42,195
Rhode Island	0	0	2,415	5	2,093
South Carolina	0	634,594	130,051	32,339	78,332
South Dakota	275,336	2,006,214	206,930	148,010	3,515
Tennessee	0	722,057	54,338	359,197	145,770
Texas	12,188	757,036	574,956	1,206,489	680,529
Utah	22,787,881	8,192,893	110,567	2,097,860	78,420
Vermont	0	410,654	34,195	9,836	11,203
Virginia	805	1,668,369	132,201	306,393	265,848
Washington	437,342	9,335,431	163,791	1,834,616	421,675
West Virginia	0	1,046,426	19,888	65,554	2,270
Wisconsin	2,488	1,524,576	202,424	61,835	62,762
Wyoming	17,493,875	9,215,971	70,930	2,345,619	11,327
U.S. Total	**244,391,312**	**192,919,130**	**89,205,999**	**79,945,679**	**8,849,476**
Territories	0	28,937	24,773	26,852	59,058
Overseas	0	0	0	0	12,816
Agency Total	244,391,312	192,948,059	89,230,772	79,972,531	8,921,349

Sources: For BLM, data provided to CRS by BLM on December 16, 2019. Data reflect BLM ownership as of September 30, 2018.

For FS: U.S. Dept. of Agriculture, Forest Service, *Land Areas of the National Forest System—As of Sept 30, 2018*, Tables 1 and 4, at https://www.fs.fed.us/land/staff/lar/LAR2018/lar2018index.html. Data reflect land within the National Forest System, including national forests, national grasslands, purchase units, land utilization projects, experimental areas, and other areas. **Table 1** shows an agency total of 192,948,059. However, the individual state and territory acreages copied here from **Table 4** appear to sum to 192,948,067. The reason for the

discrepancy is not apparent. In this table, the agency total is reflected as the total reported in **Table 1**, 192,948,059.

For FWS: U.S. Dept. of the Interior, Fish and Wildlife Service, *2018 Annual Lands Report Data Tables, as of September 30, 2018*, Table 1A, at https://www.fws.gov/refuges/land/PDF/2018_Annual_Report_of_Lands_Data_Tables.pdf. Data reflect federally owned land over which the FWS has sole or primary jurisdiction.

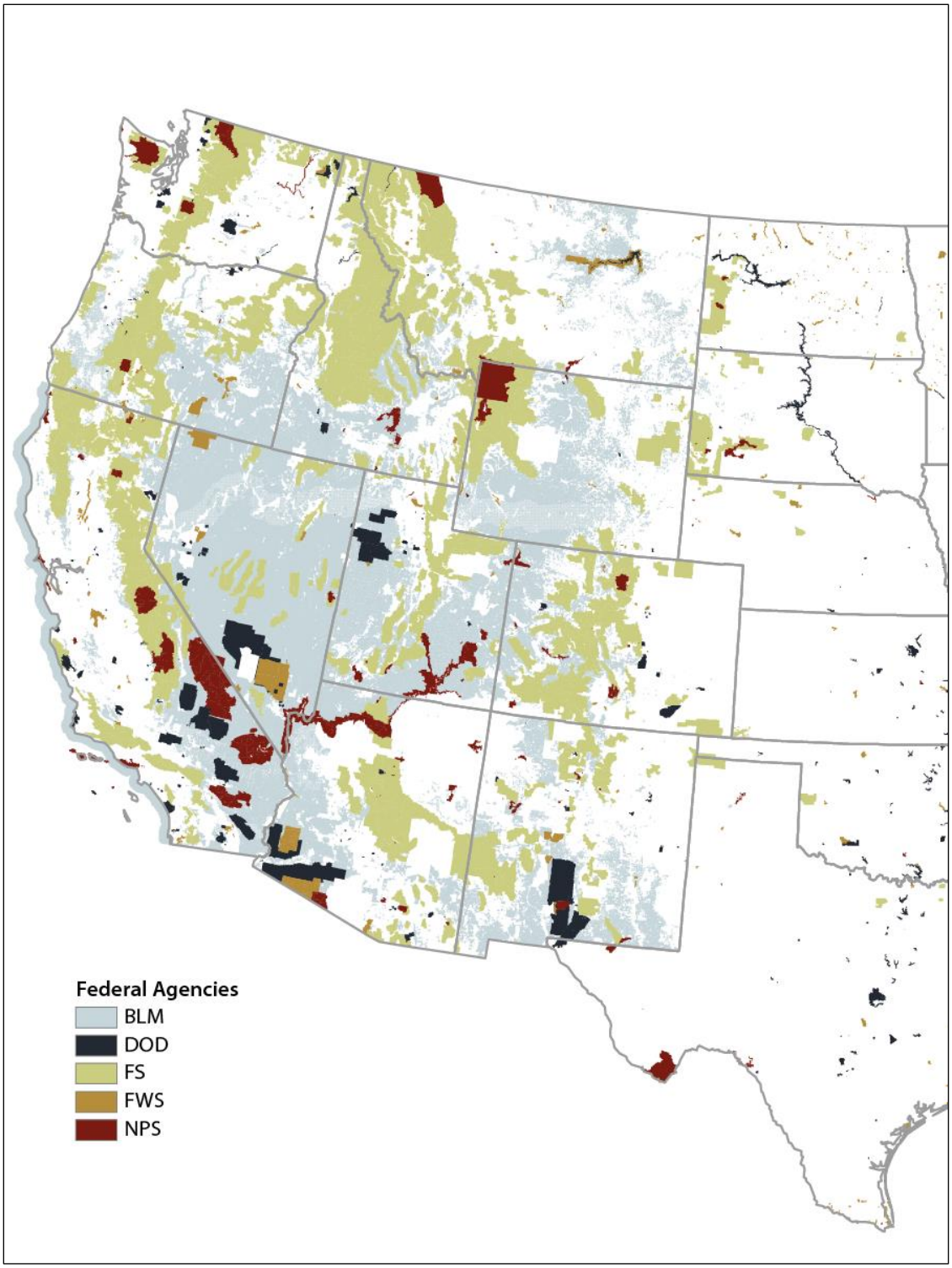
For NPS: U.S. Dept. of the Interior, National Park Service, Land Resources Division, *Acreage by State*, as of 9/30/2018, at https://www.nps.gov/subjects/lwcf/upload/NPS-Acreage-9-30-2018.pdf. Data reflect federally owned lands managed by the NPS.

For DOD: U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defense for Infrastructure, *Base Structure Report, Fiscal Year 2018 Baseline (A Summary of the Real Property Inventory Data)*, as of September 30, 2017, VI. Total DOD Inventory, pp. DOD-29 to DOD-88, at https://www.acq.osd.mil/eie/Downloads/BSI/Base%20Structure%20Report%20FY18.pdf. Hereinafter this source is referred to as the DOD FY2018 Baseline. Unlike the data for the other agencies, the DOD data is current as of September 30, 2017. The source excludes U.S. Army Corps of Engineers lands.

Notes: See notes for **Table 1**.

a. This figure includes approximately 253,000 acres of submerged lands and waters within the Hawaiian Islands National Wildlife Refuge.

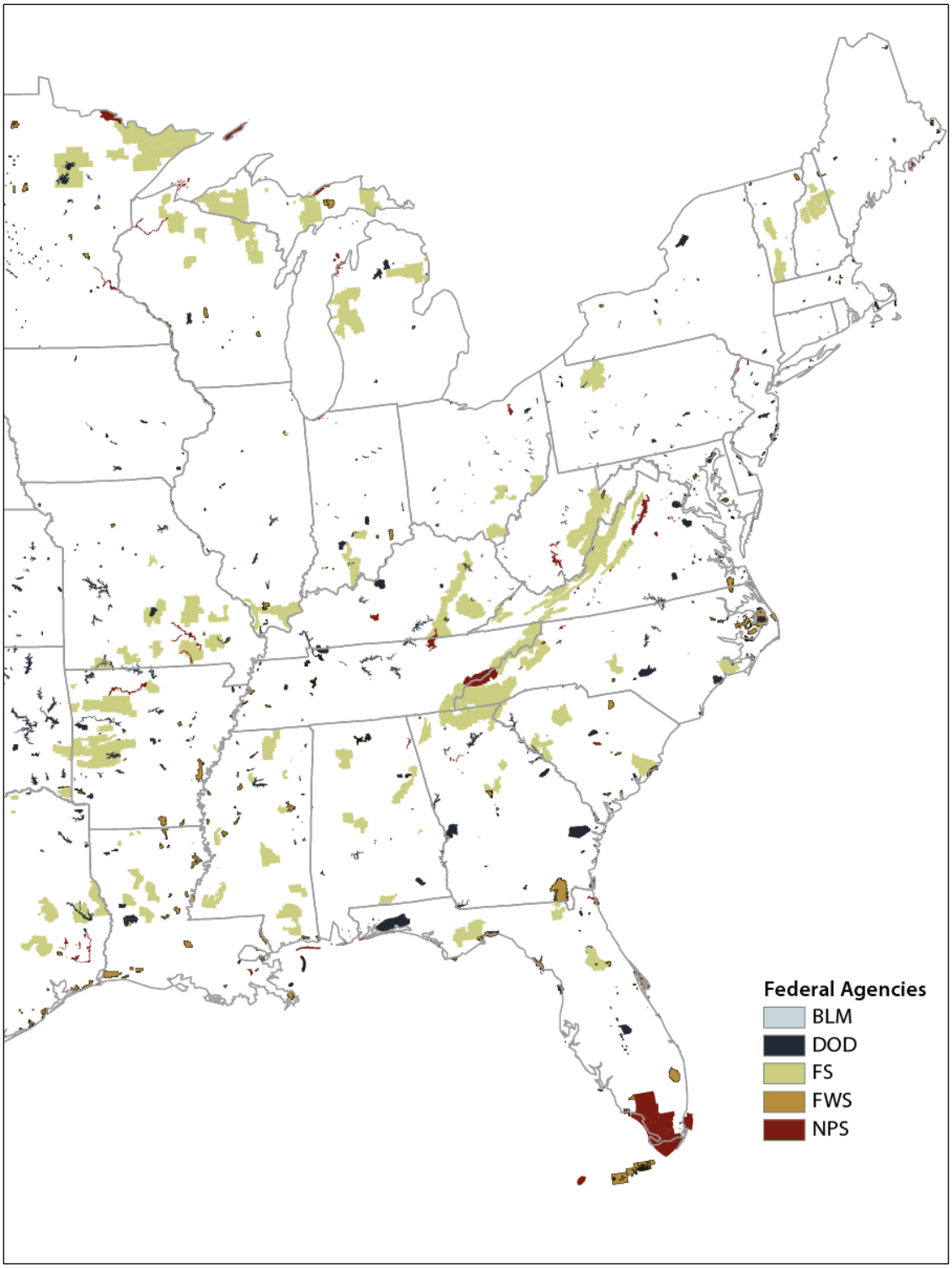
Figure 1. Western Federal Lands Managed by Five Agencies



Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Notes: Scale 1:11,283,485. The line along the coast of California indicates BLM administration of numerous small islands. Also, the map may reflect a broader definition of DOD land than shown in the data in **Table 2**.

Figure 2. Eastern Federal Lands Managed by Five Agencies



Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Note: Scale 1:13,293,047. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.

Figure 3. Federal Lands in Alaska and Hawaii Managed by Five Agencies

Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Note: Hawaii scale 1:8,000,000. Alaska scale 1:20,000,000. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.

Federal Land Ownership Changes, 1990-2018

Since 1990, total federal lands in the United States have generally declined. Many disposals of areas of federal lands have occurred. At the same time, the federal government has acquired many parcels of land, and there have been various new federal land designations, including wilderness areas and national park units. Through the numerous individual acquisitions and disposals since 1990, the total federal land ownership has declined by 31.5 million acres, or 4.9% of the total of the five agencies, as shown in **Table 3**.

The total acreage decline reflects decreased acreage for two agencies but increased acreage for three others. BLM ownership decreased by 27.6 million acres (10.2%), in large part due to the disposal of BLM land, under law, to the State of Alaska, Alaska Natives, and Alaska Native Corporations.[36] DOD land ownership also declined, by 11.7 million acres (56.8%). This decline was primarily due to changes in legal arrangements for managing military installations rather than changes in the sizes of the installations themselves. For instance, of the 26.9 million acres of defense sites (worldwide) in DOD's FY2018 Baseline report—more than 98% of which is in the United States or territories—8.9 million acres (33%) were federally owned,[37] 0.9 million acres (3%) were leased, and 17.1 million acres (63%) were managed through a legal interest that was "other" than owned or leased.[38] By comparison, of the 28.4 million acres of defense sites

[36] Other actions and factors contributed to the decline in BLM lands. For example, a reduction of about 1 million acres (primarily in the eastern states) resulted from a revision in the way the BLM reported acreage withdrawn or reserved for another federal agency or purpose.

[37] The 8.9 million figure used here includes lands worldwide, whereas the 8.8 million figure shown for 2018 elsewhere in this report reflects land in the United States only.

[38] Acreage figures are taken from the DOD FY2018 Baseline, pp. DOD-15 to DOD-16. That document indicates, on p. DOD-5, that total acreage figures include "government owned land, public land, public land withdrawn for military use, licensed and permitted land," and other types of arrangements.

(worldwide) in DOD's 2010 report, approximately 19.8 million (70%) were federally owned,[39] 0.5 million (2%) were leased, and 8.0 million (28%) were managed under another legal interest.

In contrast, the NPS, FWS, and FS expanded their acreage during the period, with the NPS having the largest increase in both acreage and percentage growth—3.8 million acres (5.0%). In some cases, a decrease in one agency's acreage was tied to an increase in acreage owned by another agency.[40]

Table 3. Change in Federal Acreage in the United States Since 1990, by Agency

	1990	2000	2010	2018	Change 1990-2018	% Change Since 1990
BLM	272,029,418	264,398,133	247,859,076	244,391,312	-27,638,106	-10.2%
FS	191,367,364	192,355,099	192,880,840	192,919,130	1,551,766	0.8%
FWS	86,822,107	88,225,669	88,948,699	89,205,999	2,383,892	2.7%
NPS	76,133,510	77,931,021	79,691,484	79,945,679	3,812,169	5.0%
DOD	20,501,315	24,052,268	19,421,540	8,849,476	-11,651,839	-56.8%
U.S. Total	**646,853,714**	**646,962,190**	**628,801,839**	**615,311,596**	**-31,542,118**	**-4.9%**

Sources: See sources listed **Table 2.**

Notes: See notes for **Table 1.** Also, estimates generally reflect the end of the fiscal year for the years shown, (i.e., September 30). However, DOD figures for the years indicated were not readily available. Rather, the DOD figures for the four columns were derived respectively from the FY1989 Base Structure Report (published in February 1988), the FY1999 Base Structure Report (with data as of September 30, 1999), the FY2010 Base Structure Report (with data as of September 30, 2009), and the FY2018 Base Structure Report (with data as of September 30, 2017).

The total federal acreage decline (shown in **Table 3**) is a composite of various decreases in acreage in 15 states and increases in acreage in 36 states (including the District of Columbia). A reduction in federal lands in Alaska was a major reason for the total decline in federal lands since 1990. As shown in **Table 4**, federal land declined in Alaska by 23.0 million acres (9.4%) between 1990 and 2018. As noted, this decline in Alaska is largely the result of the disposal of BLM land under Alaska-specific laws. Specifically, from 1990 to 2018, BLM land in Alaska declined by 21.1 million acres (22.8%).

Since 1990, federal land also has decreased in the 11 contiguous western states, by 10.7 million acres (3.0%). Reflected in the overall decline are reductions for 6 of the 11 states, with decreases of 6.3 million acres in Arizona, 3.7 million acres in Nevada,[41] and smaller decreases in four other states. Five of the 11 states each had increases ranging roughly from 0.2 million acres to 0.5 million acres, with the largest being 0.5 million acres in Colorado.

[39] The 19.8 million acre figure used here includes land worldwide, more than 97% of which is in the United States. The 19.4 million acre figure shown for 2010 in **Table 3** reflects land in the United States only.

[40] For instance, a decrease in BLM acreage and an increase in NPS acreage was the result of enactment of the California Desert Protection Act of 1994 (P.L. 103-433). Among other provisions, the law established one new national park unit and expanded two other park units on land that was owned by the BLM, and transferred ownership of the lands to the NPS. BLM estimated the total transfer of BLM land to the NPS for the three areas at 2.9 million acres.

[41] These reductions were due primarily to relatively large reductions of both BLM and DOD land in Arizona and of DOD land in Nevada.

Outside Alaska and the other western states, federal land increased by 2.1 million acres (4.5%). This increase was not uniform, with declines in some states and varying increases (in acreages and percentage) in others.

Table 4. Change in Federal Acreage in the United States Since 1990, by State

	1990	2000	2010	2018	Change 1990-2018	% Change Since 1990
Alabama	944,505	979,907	871,232	880,188	-64,317	-6.8%
Alaska	245,669,027	237,828,917	225,848,164	222,666,580	-23,002,447	-9.4%
Arizona	34,399,867	33,421,887	30,741,287	28,077,992	-6,321,875	-18.4%
Arkansas	3,147,518	3,418,455	3,161,978	3,159,486	11,968	0.4%
California	46,182,591	47,490,824	47,797,533	45,493,133	-689,458	-1.5%
Colorado	23,579,790	24,001,922	24,086,075	24,100,247	520,457	2.2%
Connecticut	6,784	9,012	8,557	9,110	2,326	34.3%
Delaware	27,731	28,397	28,574	29,918	2,187	7.9%
Dist. of Col.	9,533	8,466	8,450	9,649	116	1.2%
Florida	4,344,976	4,671,958	4,536,811	4,491,200	146,224	3.4%
Georgia	1,921,674	1,933,464	1,956,720	1,946,492	24,818	1.3%
Hawaii	715,215	682,650	833,786	829,830	114,615	16.0%
Idaho	32,566,081	32,569,711	32,635,835	32,789,648	223,567	0.7%
Illinois	353,061	403,835	406,734	423,782	70,721	20.0%
Indiana	274,483	394,243	340,696	384,726	110,243	40.2%
Iowa	33,247	83,134	122,602	97,509	64,262	193.3%
Kansas	281,135	300,465	301,157	253,919	-27,216	-9.7%
Kentucky	966,483	1,065,814	1,083,104	1,100,160	133,677	13.8%
Louisiana	1,578,151	1,565,875	1,330,429	1,353,291	-224,860	-14.2%
Maine	176,486	210,167	209,735	301,481	124,995	70.8%
Maryland	173,707	190,783	195,986	205,362	31,655	18.2%
Massachusetts	63,291	63,998	81,692	62,680	-611	-1.0%
Michigan	3,649,258	3,692,271	3,637,965	3,637,599	-11,659	-0.3%
Minnesota	3,545,702	3,581,741	3,469,211	3,503,977	-41,725	-1.2%
Mississippi	1,478,726	1,544,501	1,523,574	1,552,634	73,908	5.0%
Missouri	1,666,718	1,676,175	1,675,400	1,702,983	36,265	2.2%
Montana	26,726,219	26,745,666	26,921,861	27,082,401	356,182	1.3%
Nebraska	528,707	556,347	549,346	546,852	18,145	3.4%
Nevada	60,012,488	60,180,297	56,961,778	56,262,610	-3,749,878	-6.2%
New Hampshire	734,163	754,858	777,807	805,472	71,309	9.7%
New Jersey	146,436	164,865	176,691	171,956	25,520	17.4%

	1990	2000	2010	2018	Change 1990-2018	% Change Since 1990
New Mexico	24,742,260	26,829,296	27,001,583	24,665,774	-76,486	-0.3%
New York	215,441	229,097	211,422	230,992	15,551	7.2%
North Carolina	2,289,509	2,415,560	2,426,699	2,434,801	145,292	6.3%
North Dakota	1,727,541	1,729,430	1,735,755	1,733,641	6,100	0.4%
Ohio	234,396	289,566	298,500	305,502	71,106	30.3%
Oklahoma	505,898	696,377	703,336	683,289	177,391	35.1%
Oregon	32,062,004	32,703,212	32,665,430	32,244,257	182,253	0.6%
Pennsylvania	611,249	598,165	616,895	622,160	10,911	1.8%
Rhode Island	3,110	4,867	5,248	4,513	1,403	45.1%
South Carolina	891,182	872,173	898,637	875,316	-15,866	-1.8%
South Dakota	2,626,594	2,642,646	2,646,241	2,640,005	13,411	0.5%
Tennessee	980,416	1,251,514	1,273,974	1,281,362	300,946	30.7%
Texas	2,651,675	2,855,997	2,977,950	3,231,198	579,523	21.9%
Utah	33,582,578	34,982,884	35,033,603	33,267,621	-314,957	-0.9%
Vermont	346,518	428,314	453,871	465,888	119,370	34.4%
Virginia	2,319,524	2,381,575	2,358,071	2,373,616	54,092	2.3%
Washington	11,983,984	12,646,137	12,173,813	12,192,855	208,871	1.7%
West Virginia	1,062,500	1,096,956	1,130,951	1,134,138	71,638	6.7%
Wisconsin	1,980,460	2,006,778	1,865,374	1,854,085	-126,375	-6.4%
Wyoming	30,133,121	30,081,046	30,043,513	29,137,722	-995,399	-3.3%
U.S. Total	**646,853,714**	**646,962,190**	**628,801,639**	**615,311,596**	**-31,542,118**	**-4.9%**

Sources: See sources listed in **Table 2**.

Notes: See notes to **Table 1** and **Table 3**.

Current Issues

Since the cession to the federal government of the western lands by several of the original 13 states, many federal land issues have recurred. The extent of ownership continues to be debated. Some advocate disposing of federal lands to state or private ownership; others favor retaining currently owned lands; still others promote land acquisition by the federal government, including through increased or more stable funding sources. Another focus is on the condition of federal lands and related infrastructure. Some assert that lands and infrastructure have deteriorated and that agency activities and funding should focus on restoration and maintenance, whereas others advocate expanding federal protection to additional lands. Debates also encompass the extent to which federal lands should be developed, preserved, and open to recreation and whether federal lands should be managed primarily to produce national benefits or benefits primarily for the localities and states in which the lands are located. Finally, border security, along and near the southwestern border in particular, raises questions related to management of, and access to,

federal lands. These questions stem, in part, from the differing roles of the Department of Homeland Security (DHS) and the federal land management agencies.[42]

Extent of Ownership

The optimal extent of federal land ownership is an enduring issue for Congress. Current debates encompass the extent to which the federal government should dispose of, retain, or acquire lands in general and in particular areas. Advocates of retention of federal lands, and federal acquisition of additional lands, assert a variety of benefits to the public of federal land ownership. They include protection and preservation of unique natural and other resources; open space; and public access, especially for recreation. Some support land protection from development.

Disposal advocates have expressed concerns about the efficacy and efficiency of federal land management, accessibility of federal lands for certain types of recreation, and limitations on development of federal lands. Some support selling federal land for financial reasons, such as to help lower federal expenditures, reduce the deficit, or balance the budget. Others assert that limited federal resources constrain agencies' abilities to protect and manage the lands and resources. Other concerns involve the potential influence of federal land protection on private property, development, and local economic activity. Some seek disposal to states or private landowners to foster state, local, and private control over lands and resources.

Other issues center on the suitability of authorities for acquiring and disposing of lands and their use in particular areas. Congress has provided to the federal agencies varying authorities for acquiring and disposing of land.[43] With regard to acquisition, the BLM has relatively broad authority, the FWS has various authorities, and the FS authority is mostly limited to lands within or contiguous to the boundaries of a national forest. DOD also has authority for acquisitions.[44] By contrast, the NPS has no general authority to acquire land to create new park units. Condemnation for acquiring land is feasible, but, with the exception of DOD, rarely is used by these agencies. Its potential use has been controversial in some cases. The primary funding mechanism for federal land acquisition, for the four major federal land management agencies, has been appropriations from the Land and Water Conservation Fund (LWCF).[45] For the FWS, the Migratory Bird Conservation Fund (supported by sales of Duck Stamps and import taxes on arms and ammunition) provides an additional source of mandatory spending for land acquisition. Funding for acquisitions by DOD is provided in DOD appropriations laws. There continue to be different views as to acquisition funding, including the appropriate amount, type (discretionary and/or mandatory), and location of use.

With regard to disposal, the NPS and FWS have no general authority to dispose of the lands they administer, and the FS disposal authorities are restricted. The BLM has broader authority under provisions of FLPMA.[46] DOD lands that are excess to military needs can be disposed of under the surplus property process administered by the General Services Administration (GSA). While

[42] Additional discussion of federal land management issues is contained in CRS Report R43429, *Federal Lands and Related Resources: Overview and Selected Issues for the 116th Congress*, coordinated by Katie Hoover.

[43] For information on the acquisition and disposal authorities of the four major federal land management agencies, see CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by Carol Hardy Vincent et al.

[44] See 10 U.S.C. §2663.

[45] For information on the Land and Water Conservation Fund, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by Carol Hardy Vincent.

[46] 43 U.S.C. §1713.

surplus DOD real property is routinely disposed of by the GSA, legislation authorizing base realignment and closure (BRAC) rounds typically has authorized the Secretary of Defense to exercise GSA's disposal authority during BRAC rounds.[47]

It is not uncommon for Congress to enact legislation providing for the acquisition or disposal of particular lands where an agency lacks such authority or providing particular procedures for specified land transactions. Further, recent Congresses have considered measures to establish or amend broader authorities for acquiring or disposing of land.

Western Land Concentration

The concentration of federal lands in the West has contributed to a higher degree of controversy over federal land ownership in that part of the country. For instance, the dominance of BLM and FS lands in the western states has led to various efforts to divest the federal government of significant amounts of land. In recent years, some western states, among others, have considered measures to provide for or express support for the transfer of federal lands to states, to establish task forces or commissions to examine federal land transfer issues, and to assert management authority over federal lands. An earlier collection of efforts from the late 1970s and early 1980s, known as the Sagebrush Rebellion, also sought to foster divestiture of federal lands. However, that effort was not successful in achieving this end through legal challenges in the federal courts and efforts to persuade the Reagan Administration and Congress to transfer the lands to state or private ownership. Some supporters of continued or expanded federal land ownership have asserted that state and local resource constraints, other economic considerations, or environmental or recreational priorities weigh against state challenges to federal land ownership. In recent years, some states have considered measures to express support for federal lands or to limit the sale of federal lands in the state.[48]

As shown in **Table 1** and **Table 2**, the 11 contiguous western states and Alaska have extensive areas of federal lands. **Table 5** summarizes the data in **Table 1** to clarify the difference in the extent of federal ownership between western and other states. As can be seen in **Table 5**, 60.9% of the land in Alaska is federally owned, which includes 85.9% of the total FWS lands and 65.6% of the total NPS lands. In contrast, only 0.3% of DOD-owned lands are in Alaska. Of the land in the 11 contiguous western states, 45.9% is federally owned, which includes 73.4% of total FS lands and 70.6% of total BLM lands. In the rest of the country, the federal government owns 4.1% of the lands. The FS manages the largest portion of this land in other states—61.8%—and BLM manages the least—0.8%. Slightly more than half (51%) of DOD lands are in the other states, with slightly less than half (49%) in the 11 western states.

[47] For information on the disposal of surplus federal property by the U.S. General Services Administration (GSA), see 40 U.S.C. §101 et seq. and CRS Report R44377, *Disposal of Unneeded Federal Buildings: Legislative Proposals in the 114th Congress*, by Garrett Hatch. For information on DOD disposal during BRAC rounds, see CRS Report R45705, *Base Closure and Realignment (BRAC): Background and Issues for Congress*, by Christopher T. Mann.

[48] For a discussion of issues related to potential state management of federal lands, see CRS Report R44267, *State Management of Federal Lands: Frequently Asked Questions*, by Carol Hardy Vincent.

Table 5. Federal Acreage in the United States, by Agency and State or Region, 2018

	Alaska	11 Western States[a]	Other States	U.S. Total
BLM	71,397,880	172,621,231	372,201	244,391,312
FS	22,138,560	141,519,920	29,260,650	192,919,130
FWS	76,649,320	6,456,051	6,100,632	89,205,999
NPS	52,455,308	20,403,299	7,087,074	79,945,679
DOD	25,512	4,313,759	4,510,205	8,849,476
U.S. Total	222,666,580	345,314,260	47,330,762	615,311,596
Acreage of States	365,481,600	752,947,840	1,152,913,920	2,271,343,360
Percentage Federal	**60.9%**	**45.9%**	**4.1%**	**27.1%**

Sources: For federal lands, see sources listed in **Table 2**. Total acreage of states is from U.S. General Services Administration, Office of Governmentwide Policy, *Federal Real Property Profile, as of September 30, 2004*, Table 16, pp. 18-19.

Notes: See notes for **Table 1**. As mentioned, the U.S. total shown is not the precise sum of the figures in the first three columns due to small discrepancies in the sources used and rounding.

a. The 11 western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Maintaining Infrastructure and Lands

Debate continues over how to balance the acquisition of new assets and lands with the maintenance of the agencies' existing infrastructure and the care of current federal lands. Some assert that addressing the condition of infrastructure and lands in current federal ownership is paramount. They support ecological restoration as a focus of agency activities and funding and an emphasis on managing current federal lands for continued productivity and public benefit. They oppose new land acquisitions and unit designations until the backlog of maintenance activities has been eliminated or greatly reduced and the condition of current range, forest, and other federal lands is significantly improved. Others contend that expanding federal protection to additional lands is essential to provide new areas for public use, protect important natural and cultural resources, and respond to changing land and resource conditions.

The ecological condition of current federal lands has long been a focus of attention. For example, the poor condition of public rangelands due to overgrazing was the rationale for enacting the Taylor Grazing Act of 1934 and the creation of the BLM.[49] Today, debates on the health and productivity of federal lands center on rangelands, forests, riparian areas, and other resources. These lands and resources might be affected in some areas by various land uses, such as livestock grazing, recreation, and energy development. Many other variables might impact the health of federal lands and resources, including wildfires, community expansion, invasive weeds, and drought.

The deferred maintenance of federal infrastructure also has been a focus of Congress and the Administration for many years. Deferred maintenance, often called the maintenance backlog, is defined as maintenance that was not done when scheduled or planned. The agencies assert that

[49] S.T. Dana and S.K. Fairfax, *Forest and Range Policy: Its Development in the United States*, 2nd ed. (New York: McGraw-Hill Book Co., 1980), pp. 158-164.

continuing to defer maintenance of facilities accelerates their rate of deterioration, increases their repair costs, and decreases their value.

Congressional and administrative attention has centered on the NPS backlog. DOI estimated deferred maintenance for the NPS for FY2018 at $11.92 billion. Of the total deferred maintenance, 57% was for roads, bridges, and trails; 19% was for buildings; 6% was for irrigation, dams, and other water structures; and 18% was for other structures (e.g., recreation sites).[50] DOI estimates of the NPS backlog have increased overall since FY1999, from $4.25 billion in that year.[51] It is unclear what portion of the change is due to the addition of maintenance work that was not done on time or the availability of more precise estimates of the backlog. The NPS, as well as the other land management agencies, increased efforts to define and quantify maintenance needs over the past two decades.

While attention has focused on the NPS backlog, the other federal land management agencies also have maintenance backlogs. The FS estimated its backlog for FY2018 at $5.20 billion.[52] Of the total deferred maintenance, 61% was for roads,[53] 24% was for buildings, and the remaining 15% was for a variety of other assets (e.g., trails, fences, and bridges). For FY2018, DOI estimated the FWS backlog at $1.30 billion and the BLM backlog at $0.96 billion.[54] The four agencies together had a combined FY2018 backlog estimated at $19.38 billion.

The agency backlogs have been attributed to decades of funding shortfalls. However, it is unclear how much total funding has been provided for the maintenance backlog over the years. Annual presidential budget requests and appropriations laws typically have not identified funds from all sources that may be used to address the maintenance backlog. Opinions differ over the level of funds needed to address deferred maintenance, whether to use funds from other programs and new sources, and how to prioritize funds for maintenance needs.

Protection and Use

The extent to which federal lands should be opened to development, available for recreation, and/or preserved has been controversial. Differences of opinion exist on the amount of traditional commercial development that should be allowed, particularly involving energy development, grazing, and timber harvesting. Whether and where to restrict recreation, generally and for high-impact uses such as motorized off-road vehicles, also is a focus. How much land to dedicate to enhanced protection, what type of protection to provide, and who should protect federal lands are continuing questions. Another area under consideration involves how to balance the protection of wild horses and burros on federal lands with protection of the range and other land uses.

Debates also encompass whether federal lands should be managed primarily to emphasize benefits nationally or for the localities and states where the lands are located. National benefits can include using lands to produce wood products for housing or energy from traditional (oil, gas, coal) and alternative/renewable sources (wind, solar, geothermal, biomass). Other national benefits might encompass clean water for downstream uses; biodiversity for ecological resilience

[50] This information was provided to CRS by the DOI Budget Office on March 25, 2019. DOI estimates are based on DOI financial reports and may differ from figures reported by the agencies independently. As one example, DOI financial reports reflect agency-owned assets only, whereas figures reported by individual DOI agencies sometimes include other types of assets (e.g., leased assets).

[51] FY1999 is the first year for which an estimate is readily available.

[52] This information was provided to CRS by the Forest Service, Office of Legislative Affairs, on February 12, 2019.

[53] This estimate of the deferred maintenance for roads reflects passenger-car roads only.

[54] This information was provided to CRS by the DOI Budget Office on March 25, 2019.

and adaptability; and wild animals and wild places for human enjoyment. Local benefits can include economic activities, such as livestock grazing, timber for sawmills, ski areas, tourism, and other types of development. Local benefits could also be scenic vistas and areas for recreation—picnicking, sightseeing, backpacking, four-wheeling, snowmobiling, hunting and fishing, and much more.

At some levels, the many uses and values can generally be compatible. However, as demands on the federal lands have risen, the conflicts among uses and values have escalated. Some lands—notably those administered by the FWS and DOD—have an overriding primary purpose (wildlife habitat and military needs, respectively). The conflicts typically are greatest for the multiple-use lands managed by the BLM and FS, because the potential uses and values are more diverse.

Other issues of debate include who decides the national-local balance, and how those decisions are made. Some would like to see more local control of land and a reduced federal role, while others seek to maintain or enhance the federal role in land management to represent the interests of all citizens.

Border Security[55]

Border security presents special challenges on federal lands, given the extensive federal lands along the southwestern border with Mexico and the northern border with Canada. The federal lands on the borders tend to be geographically remote and include mountains, deserts, and other inhospitable terrain with limited law enforcement coverage. Moreover, the lands are managed by different federal agencies, under various laws, and for many purposes.

The southwestern border with Mexico has been a particular focus. There are various estimates and depictions of federal lands on or near the border. For instance, by one estimate, six different agencies manage 621.5 (linear) miles of federal lands along the southwestern border.[56] Second, a depiction of federal (and Indian) lands located within 50 and 100 miles from the U.S.-Mexican border is shown in **Table 4**. Third, according to the House Committee on Natural Resources, there are about 26.7 million acres of federal lands within 100 miles of the border (and an additional 3.5 million acres of Indian lands).[57] Nearly half of the federal lands (12.3 million acres) are managed by the BLM, and the remainder are managed by DOD (5.8 million acres), FS (3.8 million acres), NPS (2.4 million acres), FWS (2.2 million acres), and other federal agencies (0.2 million acres).

The extent to which federal and other lands along the southwestern border should be used for the construction of barriers to deter illegal immigration and other illegal activity is under current debate. Efforts to build border infrastructure to reduce illicit activity at the border, such as illegal entry and drug and contraband smuggling, are a priority for the Trump Administration as well as for some Members of Congress and portions of the public. By contrast, some Members of Congress and segments of the public oppose barrier construction as potentially costly, possibly

[55] For additional information, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, coordinated by Audrey Singer.

[56] The estimate of 621.5 linear miles was prepared by CRS. It excludes 71.9 miles of land managed by the Bureau of Indian Affairs, for a total of 693.4 miles of federal and Indian lands on the border. For additional information, see CRS In Focus IF10832, *Federal and Indian Lands on the U.S.-Mexico Border*, by Carol Hardy Vincent and James C. Uzel.

[57] See the map on the website of the House Committee on Natural Resources at https://republicans-naturalresources.house.gov/info/borderoverview.htm.

damaging to lands and resources, and unlikely to be a major deterrent to illegal activity, among other reasons.[58]

Within DHS, the U.S. Border Patrol (USBP) takes the lead role in staffing and securing the international borders, but more than 40% of the southwestern border abuts federal and tribal lands overseen by the FS and the four DOI agencies (including the Bureau of Indian Affairs) that also have law enforcement responsibilities.[59] Differences in missions and jurisdictional complexity among these agencies may hinder border control. To facilitate control efforts, three federal agencies—DHS, the Department of Agriculture (for the FS), and DOI—have signed memoranda of understanding (MOUs) on border security. These MOUs govern information sharing, budgeting, operational planning, USBP access to federal lands, and interoperable radio communications, among other issues.[60]

In general, federal efforts to secure the border are subject to the National Environmental Policy Act of 1969 (NEPA), which requires agencies to evaluate the potential environmental impacts of proposed programs, projects, and actions before decisions are made to implement them.[61] Implementing regulations require agencies to integrate NEPA project evaluations with other planning and regulatory compliance requirements to ensure that planning and decisions reflect environmental considerations.[62] Federal law confers the DHS Secretary with broad authority to construct barriers and roads along U.S. borders to deter illegal crossings. The Secretary may waive application of NEPA and other laws that the Secretary determines may impede the expeditious construction of these barriers and roads.[63] In the past, Congress has introduced legislation to broaden DHS's authority to be exempt from NEPA, land management statutes, and other environmental laws on the grounds that these laws (and related litigation) may impede DHS from taking actions on federal lands to secure the border. Some have opposed such legislation on the grounds that it would remove important protections for sensitive and critical habitats and resources and that the current authority is already sufficiently broad.

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[58] For an overview of funding appropriated for border barrier constructions, see CRS Report R45888, *DHS Border Barrier Funding*, by William L. Painter and Audrey Singer. For a discussion of Department of Defense funding of border barrier construction see CRS Report R45937, *Military Funding for Southwest Border Barriers*, by Christopher T. Mann.

[59] U.S. Government Accountability Office, *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands*, GAO-11-177, November 2010, p. 4.

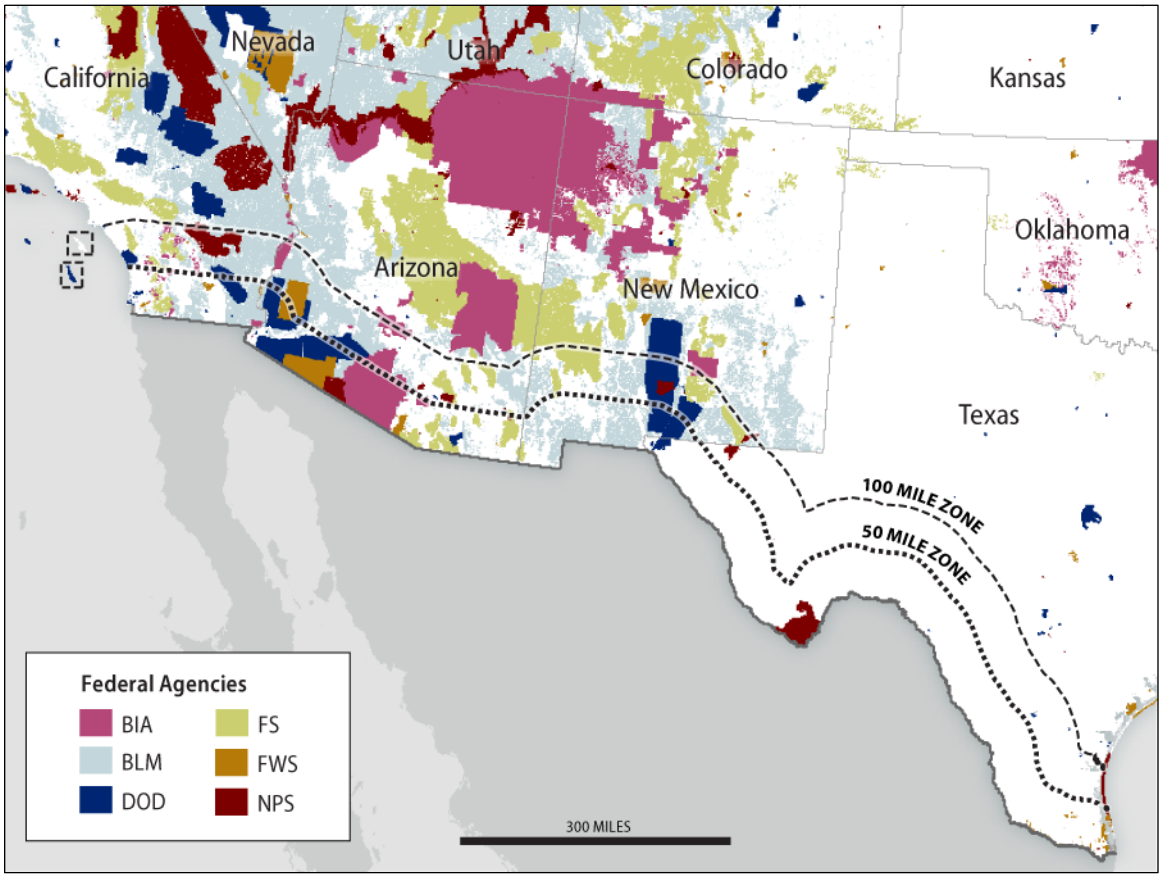
[60] For example, in 2006, DOI, DHS, and USDA entered into a memorandum of understanding entitled *Cooperative National Security and Counterterrorism Efforts on Federals Lands along the United States' Borders.* These departments have entered into additional memoranda of understanding addressing issues such as "road maintenance, secure radio communication, environmental coordination, and sharing of geospatial information, among others." U.S. Congress, House Committee on Natural Resources, Subcommittee on Oversight and Investigations, *The Consequences of Federal Land Management Along the U.S. Border to Rural Communities and National Security*, testimony of U.S. Department of the Interior's Interagency Borderlands Coordinator, Jon Andrew, 114th Cong., 2nd sess., April 28, 2016.

[61] P.L. 91-190; 42 U.S.C. §§4321-4347.

[62] For more information on DHS compliance with NEPA, see https://www.dhs.gov/national-environmental-policy-act-nepa-department-homeland-security-implementing-procedures. The U.S. Border Patrol is a component within DHS's U.S. Customs and Border Protection (CBP). For more information on CBP's compliance with NEPA, see https://www.cbp.gov/about/environmental-management-sustainability/nepa.

[63] Illegal Immigration Reform and Immigrant Responsibility Act, P.L. 104-208, div. C, §102(a)-(c), as amended by the REAL ID Act of 2005, P.L. 109-13, div. B, §102; the Secure Fence Act of 2006, P.L. 109-367, §3; and the Consolidated Appropriations Act, 2008 P.L. 110-161, div. E, §564(a). See also CRS Report R43975, *Barriers Along the U.S. Borders: Key Authorities and Requirements*, by Michael John Garcia, which discusses DHS's border infrastructure deployment authority and identifies laws waived for several border construction projects.

Figure 4. Federal and Indian Lands Near the Southwestern Border



Source: Map boundaries and information generated by CRS using U.S. Geological Survey, Gap Analysis Program (GAP). May 2016. Protected Areas Database of the United States (PAD-US), version 1.4 Combined Feature Class and an ESRI USA Base Map.

Notes: Two areas of land off the southwest border (in the Pacific Ocean) are shown in dashed boxes because they are within the 100-mile zone. Federal lands not owned by BLM, DOD, FS, FWS, and NPS or held in trust by the Bureau of Indian Affairs were not included due to their small size relative to the displayed federal lands.

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