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United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

February 11, 2021

Delivered via Electronic Mail

Re: Final Response for Freedom of Information Act (FOIA) Request No. 2021-DA-02202-F

This is the final response to the above referenced FOIA request submitted to the Office of Information Affairs (OIA), Freedom of Information Act (FOIA) Division.

The request seeks a copy of the USDA Capital Plan (i.e., Agency-wide Real Property Capital Plan), as required and described in OMB Memorandum M-20-03 issued November 6, 2019, and M-20-03 Implementation Guidance issued July 2, 2020.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the USDA Office of Property and Fleet Management (OPFM). OPFM provides Department-wide administration, leadership, oversight, and policy in the areas of property, fleet and environmental management. This includes issuing guidance and policy, managing data, leasing oversight and compliance and assisting customers for real and personal property management, utilization and disposal; fleet card; and fleet, transportation, and aviation management. Additionally, OPFM develops and administers policy and guidance for environmental management at USDA, including response and restoration, environmental compliance, and sustainable operations.

Following a review of the responsive records, the OIA has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. § 552(b)(5). Below is an explanation of the information that has been withheld.

FOIA Exemption 5 – Deliberative

FOIA Exemption 5 protects from disclosure those “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” One of the frequently invoked FOIA Exemption 5 privileges is the deliberative process privilege. To fall within FOIA’s deliberative process privilege, the records must be both pre-decisional and deliberative; the records must precede the adoption of an agency policy and include the opinions, recommendations, or deliberations on a legal or policy matter.

In this instance, the OIA is withholding, under the deliberative process privilege, references to proposed agency actions and projected outcomes, which, if revealed, could jeopardize future competitive leasing actions.

This information is pre-decisional in that it is antecedent to any final agency decision. It is also deliberative in that it reflects the evolving, back-and-forth process between agency employees that is so integral to the Executive Branch decision-making process; more specifically, the development of potential recommendations made by agency advisors for use in making policy decisions.

If these pre-decisional, deliberative communications were released to the public, USDA and other Executive Branch employees would be much more cautious in their discussions with each other, and in candidly discussing and providing all pertinent information and viewpoints in a timely manner to agency decision-makers. This lack of candor would also seriously impair the Department's ability to engage in forthright, internal discussions necessary for efficient and proper agency decision-making.

You may appeal this response by email at USDAFOIA@usda.gov. Your appeal must be in writing, and it must be received electronically no later than 90 calendar days from the date of this letter. The OGC will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal should include the FOIA tracking number listed above, a copy of the original request, the OIA-FOIA's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email should be marked "Freedom of Information Act Appeal." You should also reference FOIA Case 2021-DA-02202-F.

You may seek dispute resolution services from the OIA-FOIA's FOIA Public Liaison, Ms. Camille Aponte. Ms. Aponte may be contacted by telephone at 202-505-0271, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

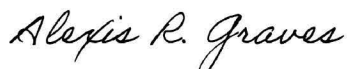
Additionally, you may contact the Office of Government Information Services (OGIS). Please visit <https://ogis.archives.gov/mediation-program/request-assistance.htm> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding the processing of this request, please contact Ms. Bianca Kegler electronically at bianca.kegler@usda.gov or USDAFOIA@usda.gov.

The OIA-FOIA appreciates the opportunity to assist you with this matter.

Sincerely,



Alexis R. Graves
Departmental FOIA Officer
Office of Information Affairs

Enclosures: Responsive Records (12 pages)

USDA CAPITAL PLAN
FY 2021 - 2025

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1. MISSION REQUIREMENTS FOR REAL PROPERTY

- a. USDA requires a blend of real property assets used to implement its mission, in order to:
 - (1) Deliver USDA programs efficiently, effectively, with integrity and a Customer Focus;
 - (2) Maximize the Ability of American agricultural producers to prosper by feeding and clothing the world;
 - (3) Promote American agricultural products and exports;
 - (4) Facilitate Rural Prosperity and economic development;
 - (5) Strengthen the Stewardship of private lands through technology and research;
 - (6) Ensure productive and sustainable use of our National Forest System Lands; and
 - (7) Provide all Americans access to a safe, nutritious, and secure food supply.
- b. Comprised of 29 agencies and offices, USDA displays its varied mission work of in eight mission areas. These are:
 - (1) **Farm Production and Conservation.** Farm Production and Conservation (FPAC) is the Department's focal point for the nation's farmers and ranchers and other stewards of private agricultural lands and non-industrial private forest lands. FPAC agencies implement programs designed to mitigate the significant risks of farming through crop insurance services, conservation programs and technical assistance, and commodity, lending, and disaster programs. This mission area is comprised of

the Farm Service Agency (FSA), the Natural Resources Conservation Service (NRCS) and the Risk Management Agency (RMA).

- (2) **Food, Nutrition and Consumer Services.** Food, Nutrition and Consumer Services works to harness the Nation's agricultural abundance to end hunger and improve health in the United States. Its agencies administer federal domestic nutrition assistance programs and the Center for Nutrition Policy and Promotion, which links scientific research to the nutrition needs of consumers through science-based dietary guidance, nutrition policy coordination, and nutrition education. This mission area includes the Food and Nutrition Service (FNS).
- (3) **Food Safety.** Food Safety ensures that the Nation's commercial supply of meat, poultry, and egg products is safe, wholesome, properly labeled, and packaged. This mission area also plays a key role in the President's Council on Food Safety and has been instrumental in coordinating a national food safety strategic plan among various partner agencies including the Department of Health and Human Services and the Environmental Protection Agency. This mission area includes one agency, the Food Safety and Inspection Service (FSIS).
- (4) **Marketing and Regulatory Programs.** Marketing and Regulatory Programs (MRP) facilitates domestic and international marketing of U.S. agricultural products and ensures the health and care of animals and plants. MRP agencies are active participants in setting national and international standards. This mission area is made up of the Agricultural Marketing Service (AMS), and Animal and Plant Health Inspection Service (APHIS).
- (5) **Natural Resources and Environment.** Natural Resources and Environment ensures the health of the land through sustainable management. Its focus is to prevent damage to natural resources and the environment, restore the resource base, and promote good land management. This mission area has one agency, the U.S. Forest Service (FS).
- (6) **Research, Education and Economics.** Research, Education and Economics (REE) is dedicated to the creation of a safe, sustainable, competitive U.S. food and fiber system, as well as strong communities, families, and youth through integrated research, analysis, and education. This mission area is comprised of the Agricultural Research Service (ARS), the Economic Research Service (ERS), the National Agricultural Library (NAL), the National Agricultural Statistics Service (NASS), the National Institute of Food and Agriculture (NIFA), and the Office of the Chief Scientist (OCS).
- (7) **Rural Development.** Rural Development is committed to helping improve the economy and quality of life in rural America by providing financial programs to support essential public facilities and services such as water and sewer systems, housing, health clinics, emergency service facilities and electric and telephone service. Rural Development (RD) promotes economic development by providing

loans to businesses through banks and community-managed lending pools, while also assisting communities to participate in community empowerment programs.

- (8) **Trade and Foreign Agricultural Affairs.** Trade and Foreign Agricultural Affairs' (TFAA) role is to provide our farmers and ranchers with opportunities to compete in the global marketplace. TFAA is the Department's lead on trade policy with primary responsibility to ensure USDA speaks with a unified voice on international agriculture issues domestically and abroad. It oversees and facilitates foreign market access and promotes opportunities for U.S. agriculture through various trade programs and high-level government negotiations conducted by the Foreign Agricultural Service (FAS).

2. DEFINITION OF CAPITAL PLANNING RESPONSIBILITIES

OMB Memorandum 20-03 assigned USDA capital planning responsibilities to the Senior Real Property Officer (SRPO), the Chief Financial Officer (CFO), and the Budget Officer (BO). This includes the development of the capital planning process, integrating it into USDA's annual budget formulation cycle, monitoring its execution, and analyzing cost and performance information. The goal is to maximize cost efficiency and mission effectiveness, and to ensure better real property information informs the annual budget formulation process. These three officials shall also jointly establish annual performance objectives/metrics for the plan to assess whether USDA is progressing towards portfolio optimization and eliminating identified gaps.

3. INTEGRATION INTO ANNUAL BUDGET PROCESS

- a. Requests for capital expenditures by each USDA agency will be submitted annually to OPFM for consideration. The requests must be submitted by April 1 preceding the start of the FY in which the expenditures are being requested.
- b. These requests will be reviewed in the USDA Capital Planning process and will be prioritized.
- c. Approved requests will be forwarded to the BO for inclusion in the USDA budgeting process.

4. IDENTIFICATION OF MAJOR LINES OF BUSINESS

- a. Business lines follow mission areas outlined in 1(b).
- b. With its diverse missions, it is necessary for USDA to maintain a vast variety of building types to support mission and business operations. ARS has mostly laboratory and greenhouse buildings along with land used for research. APHIS has primarily laboratories and other facilities (containment, border stations, training, etc.) to protect agriculture from plant and animal health-related threats. FS operates a multitude of buildings (fire stations, aircraft hangers, ranger stations, recreation-related buildings) with

most of them located on or near to national forest land. The remaining USDA agencies have portfolios consisting of mostly office assets.

5. ASSESSMENT OF NEEDS

- a. USDA relies upon each USDA agency to assess its own real property needs. Annually, each agency reviews its own real property assets to determine if there is any excess space or if additional space is required.
- b. USDA has the following real property asset types:
 - (a) Owned buildings – there are 20,167 owned buildings totaling over 40 million square feet.
 - (b) Owned Structures - 18,113 owned structures
 - (c) Owned Land (Public Domain and Stewardship Land) - Approximately 193 million acres
 - (d) Leased Office Space - 14.84 million square feet of direct leased building space with an annual rent of \$244 million
 - (e) GSA-Assigned Office Space - Approximately 1,080 General Services. (GSA) space assignments, consisting of 12.4 million rentable square feet and \$225 million in annual rent
- c. USDA agencies conduct annual reviews to determine the utilization of real property assets. For predominant-use office space in owned, leased, and GSA-Assigned space is reviewed annually to establish the Utilization Rate (UR) for the space as set forth by USDA policy.
- d. All real property assets are physically inventoried once every five years to ensure that the asset:
 - (1) still exists
 - (2) is needed
 - (3) is correctly recorded in the Enterprise Asset Management System (EAMS)
- e. OPFM assists USDA agencies in trying to consolidate space needs into the same buildings and cities to gain efficiencies from collocation.
- f. In accordance with the Reduce the Footprint initiative, USDA's footprint has gradually become smaller. USDA's FY 2019 submission to FRPP reflects an office and warehouse portfolio of 31,532,719 square feet. In comparison to the FY 2015 Benchmark of

32,623,506 square feet, this yields an overall reduction of 1,090,787 square feet or 3.3% of the portfolio.

- g. In March 2020, Departmental Notice was issued instructing all USDA agencies to project their planned disposals for FY 21 – 23. Agencies updated EAMS with planned disposals.
- h. In June 2020, OPFM conducted a review of its portfolio to identify metropolitan areas that have the greatest opportunities for consolidation and space
- i. In July 2020, OPFM negotiated footage reduction targets for each of its agencies
- j. In July 2020, OPFM worked with all agencies to identify nine specific reduction.

6. ANALYSIS OF ALTERNATIVES

- a. In conducting its review to identify metropolitan areas with the greatest opportunities for consolidation and space reduction, OPFM identified locations with high utilization rates, high annual costs, expired leases/OAs, and USDA offices in multiple locations in the same metro area. There were (b)(5) Pre-Decisional/Deliberative potential consolidation opportunities:

State	Metro Area
(b)(5) Pre-Decisional/Deliberative	

(b)(5) Pre-Decisional/Deliberative



- b. In July 2020, USDA established several key reduction targets for footage in its Building Footage Reduction (BFR) initiative. These targets include owned, leased and GSA Occupancy Agreements totaling 708,577 square feet. The agencies with reduction targets for FY 21 are as follows:
- (1) Agricultural Research Service – 232,371 SF
 - (2) Animal and Plant Health Inspection Service – 20,760 SF
 - (3) Farm Production and Conservation – 41,026 SF
 - (4) Food Safety and Inspection Service – 46,302 SF
 - (5) Forest Service – 368,118 SF
- c. There are (b)(5) Pre-Decisional/Deliberative projects that USDA wants to track from a Departmental level. They are:

(b)(5) Pre-Decisional/Deliberative



(b)(5) Pre-Decisional/Deliberative



7. PRIORITIZATION OF ALTERNATIVES

- a. OPFM worked in concert with the agencies to develop their BFR reduction targets
Given that each of the agencies submitted a reduction target that exceeded OPFM's proposed targets, the agencies' proposals were accepted.
- b. OPFM also worked in concert with GSA to help identify targets for consolidation and reduction taking into consideration GSA's government wide portfolio.
- c. After review of the identified projects, the Assistant Secretary for Administration considered these projects and approved them.

8. ESTIMATION OF LIFE CYCLE COSTS.

USDA relies on micro-economic reviews and determinations to estimate the costs and benefits of a consolidation and/or reduction effort. As USDA's Capital Planning efforts improve, put forth more macro-economic reviews of its portfolio.

9. ESTABLISHMENT OF PERFORMANCE GOALS AND METRICS.

- a. (b)(5) Pre-Decisional/Deliberative [REDACTED]
- b. (b)(5) Pre-Decisional/Deliberative [REDACTED]
- c. (b)(5) Pre-Decisional/Deliberative [REDACTED]
[REDACTED]
- d. (b)(5) Pre-Decisional/Deliberative [REDACTED]
[REDACTED]

10. PROVISION OF PRIORITIZED CAPITAL PROJECTS.

The projects outlined in Part 6 have been approved and provided as USDA's list of approved capital projects.

APPENDIX A

ACRONYMS AND ABBREVIATIONS

ABA	Architectural Barriers Act
ASA	Assistant Secretary for Administration
CFR	Code of Federal Regulations
DG	Departmental Guidebook
DHS	Department of Homeland Security
DM	Departmental Manual
DR	Departmental Regulation
EAMS	Enterprise Asset Management System
FMR	Federal Management Regulation
FRPC	Federal Real Property Council
FRPP	Federal Real Property Profile
FY	Fiscal Year
GSA	General Services Administration
LFAC	Local Food and Agriculture Council
LLA	Lead Leasing Agency
LPOC	Local Point of Contact
MSD	Management Services Division, or equivalent organizational unit
NCR	National Capitol Region
NFAC	National Food and Agriculture Council
OA	Occupancy Agreement
OO	Office of Operations
OPFM	Office of Property and Fleet Management
SFAC	State Food and Agriculture Council
SRPO	Senior Real Property Officer
USDA	United States Department of Agriculture

APPENDIX B

DEFINITIONS

Agency Location. An established physical office setting where a unit of a USDA agency performs specific services or functions. USDA employees may perform functions at work sites that are not in office settings and that are not agency locations. These work sites specifically include local Soil and Water Conservation District offices, private residences, site inspection facilities at privately owned processing plants, and temporary or transient work sites such as inspection or investigative circuits. Employees working at these sites report to a specific supervisory agency location that differs from their work site.

Collocated Office. A USDA office housing two or more USDA agencies.

Collocation. The process of housing of two or more USDA agencies together in one complex. Collocated agencies can be housed contiguously or in several noncontiguous spaces throughout several buildings in one complex or campus.

Consolidation. Combining two or more agency locations of a single USDA agency into one USDA office.

Decollocation. The process of separating agencies from a collocated arrangement (see State FAC Handbook).

Enterprise Asset Management System. The computer system designated by the Department used to track, manage, measure and report their real property holdings.

Federal Real Property Profile (FRPP). Annual Departmental real property inventory report required by OMB, which the Office of Property and Fleet Management (OPFM) submits to GSA during the first quarter of every fiscal year (FY). Reflects data in the Department's enterprise asset management system for the preceding FY.

Field Office. All offices other than headquarters offices. Included are regional, State, area, district and local offices (including USDA Service Centers), whether their function is program delivery, administrative or special purpose, e.g., technical support or research.

Lead Leasing Agency. USDA agency that executes and controls a lease that houses other USDA agencies. Usually the agency that occupies the largest square footage (SF).

Local Food and Agriculture Council (LFAC). The LFAC is comprised of designated representatives of each participating USDA agency at the site.

National Capital Region (NCR). This is comprised of the District of Columbia; Montgomery and Prince Georges counties in Maryland; the cities of Alexandria, Fairfax and Falls Church, as well as Fairfax, Arlington, Loudoun, and Prince William counties in Virginia.

National Food and Agriculture Council (NFAC). The NFAC is comprised of the Administrators of all USDA agencies with field structures.

Non-Federal Partners. Non-Federal partners are specific groups, e.g., Soil and Water Conservation Districts, individual county committees of the Farm Service Agency (FSA), etc. that have a formal established relationship with a USDA agency with written agreements covering shared programs/resources.

State Food and Agriculture Council (SFAC). The SFAC is comprised of the senior official of each USDA agency that has a presence in the State.

USDA Office. A physical site where one or more USDA agencies maintain an agency location. Agency locations within a USDA office may be in adjacent space, space on different floors in the same building, space in adjacent buildings, or space in different buildings that are part of a single complex or campus.

APPENDIX C

AUTHORITIES AND REFERENCES

GSA, [Architectural Barriers Act Accessibility Standard \(ABAAS\)](#)

GSA, [Federal Management Regulation \(FMR\)](#), 41 CFR 102, Subchapter C, *Real Property*

GSA, [Leasing Desk Guide](#)

USDA, [Property Management Division](#) (PMD) Directives web site