

Public Benefit Conveyance Legislation

The Local Redevelopment Agency must notify State and local public agencies of the availability of any surplus Federal real property that they may be eligible to acquire under certain laws. These laws allow property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for:

- [Public health or educational uses](#)
- [Public Parks and Public Recreational Areas](#)
- [Historic monuments](#)
- [Homeless assistance](#)
- [Correctional institutions](#)
- [Port facilities](#)
- [Public airports](#)
- [Wildlife conservation](#)
- [Self-help housing](#)
- [Law Enforcement and Emergency Management Response \(PDC\)](#)
- [Negotiated Sales to Public Agencies](#)

Health or Educational Use

Section 203 (k)(1) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484 (k)(1)), authorizes the Administrator of General Services, in his discretion, to assign to the Secretaries of Education and Health and Human Services, as appropriate, for disposal of such surplus real property, including building, fixtures, and equipment situated thereon, as is recommended by the appropriate Secretary as being needed for school, classroom, or other educational uses, or for use in the protection of public health, including research and homeless assistance purposes. The Act authorizes the appropriate Secretary to sell or lease such properties to States or their political subdivisions and instrumentalities, and tax-supported medical and educational institutions, nonprofit educational institution, hospitals, or other similar institutions not operated for profit which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and to fix the sale or lease value of the property to be disposed of taking into consideration any benefit which has accrued or may accrue to the United States from the use of the property of any such State, political subdivision, instrumentality, or institution. The principal restrictive provision in the instrument of conveyance requires the property to be used continuously for a specified period for the specific purpose stated in the application for the property made to the Departments of Education or Health and Human Services.

Public Parks and Public Recreational Areas

Title 40, U.S. Code. Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002.), as amended (40 U.S.C. 550(c) and (d)), authorizes the Administrator of General Services, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as being needed for use as a public park or recreation area. The Act authorizes the Secretary to sell or lease such properties to any State, political subdivision, instrumentalities thereof, or municipality, and to fix the sale or lease value of the property to be disposed of, taking into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

Deeds conveying any surplus real property disposed of under this authority provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity and may contain such

additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interest of the United States.

Historic Monuments

Title 40, U.S. Code, Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002.), as amended (40 U.S.C.), authorizes conveyance to any State, political subdivision, instrumentalities thereof, or municipality, of all the right, title, and interest of the United States in and to any surplus real and related personal property which the determination of the Secretary of the Interior is suitable and desirable for use as an historic monument for the benefit of the public. Conveyances of property for historic monument purposes under this authority shall be made without monetary consideration to the United States: Provided, that no property shall be determined under this authority to be suitable or desirable for use as an historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act of Congress approved August 21, 1935 (49 Stat. 666) and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features. Property conveyed for historic monument purposes may under certain circumstances be used for revenue producing activities to support the historic monument. Deeds conveying any surplus real property shall be used and maintained for the purposes for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States.

Correctional Facility and Emergency Management Use

Title 40, U.S. Code, Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002, as amended (40 U.S.C. (1)), authorizes the Administrator of General Services, in his discretion, to transfer or convey to the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property, without monetary consideration for:

1. Correctional facility purposes. The Attorney General must determine the surplus real and related personal property to be required for such purposes by an authorized transferee or grantee under an appropriate program or project for the care and/or rehabilitation of criminal offenders as approved by the Attorney General.
2. Law enforcement purposes. The Attorney General must determine the surplus real and related personal property to be required for any activity involving the control or reduction of crime and juvenile delinquency, or enforcement of the criminal law, including investigative activities, such as laboratory functions, as well as training.
3. Emergency management response purposes. The Director of the Federal Emergency Management Agency must determine the surplus real and related personal property to be required for emergency management response purpose, including fire and rescue services.

The deed or other instrument of conveyance for property transferred under section 40 U.S.C. 553 will require that all property to be used and maintained for correctional facility, law enforcement, or emergency management response (including fire and rescue services) purposes in perpetuity, or at the opinion of the United States, the property will revert to the United States.

Port Facilities

Title 40, U.S. Code. Section 554, authorizes the Administrator of General Services, in his discretion, to assign to the Secretary of Transportation for disposal, such surplus property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility. The Act authorizes the Secretary to convey properties at no cost to the States, The District of Columbia, the Commonwealth of Puerto Rico, Guam, Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof. Deeds conveying any surplus real property disposed of under this authority provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of Transportation to be necessary to safeguard the interest of the United States.

Public Airports

Section 13 (g) of the Surplus Property Act of 1944 (49 U.S.C. 47151), which is continued in effect by Title 40, U.S. Code. Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002.) 40 U.S.C. 113 and amended by Public Law 311, 81st Congress (50 U.S.C. App. 1622(a)-(c)), authorizes the conveyance or disposal of all right, title, and interest of the United States in and to any surplus real property or personal property (exclusive of property the highest and best use of which is determined by the Administrator to be industrial) to any State, political subdivision, municipality or tax-supported institution without monetary consideration to the United States. Such property must be determined by the Secretary, Department of Transportation to be suitable, essential, or desirable for development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport. This section provides specific terms, conditions, reservations, and restrictions upon which such conveyances or disposals may be made.

Wildlife Conservation

Public Law 537, 80th Congress (16 U.S.C. 667b-d) provides that, upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration of the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of the law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes or in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States.

Self-help Housing

Public Law 105-50 (HR 680), commonly referred to as the "Self-Help Housing Law" was signed by the President on October 6, 1997. This law amends Title 40, U.S. Code. Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002.) (40 U.S.C. 550(e)) by adding paragraph (6). The law authorizes GSA to assign surplus real property to HUD for conveyance, at 25 percent of fair market value (discount is 75% of fair market value), to State and local agencies and non-profit organizations that provide housing and/or housing assistance to low income individuals and families.

The language in the law does allow for the Secretary of HUD to convey the property at a discount greater than 75 percent. HUD is responsible for developing criteria that will be used to determine whether or not a request for a larger discount is valid and justifiable.

Individuals and families receiving property under this authority are required to contribute a "significant" amount of labor toward the construction, rehabilitation, or refurbishment of the property.

Submit applications to the Office of Housing, HUD.

Law Enforcement and Emergency Management

Public Law 105-119 (HR 2267-DOJ Appropriations Act, 1998) was signed by the President on November 26, 1997. This law amends section 203(p)(1) of the '49 Act. It allows for the

conveyance of surplus Federal real property, at 100 percent discount, for law enforcement and emergency management response purposes, including fire and rescue services. The Office of Justice Programs defines law enforcement as "any activity involving the control or reduction of crime and juvenile delinquency, or enforcement of the criminal law, including investigative activities such as laboratory functions as well as training." This authority has an expiration date of December 31, 1999. If the authority is not extended, then no new applications for the conveyance of property for law enforcement or emergency management response use (including fire and rescue services) can be accepted. Any conveyances made prior to the expiration of the authority must remain in compliance.

HR 1442 was introduced on April 15, 1999 which would make the law enforcement and emergency management amendments permanent provisions of the '99 Act. It also includes an additional public benefit conveyance for public safety purposes.

To acquire property for law enforcement purposes and emergency management response purposes, submit applications to the Office of Justice Programs/BJA, DOJ and the Operations Support Directorate, FEMA, respectively.

Negotiated Sales to Public Agencies Without Use Restrictions

Title 40, U.S. Code. Chapter 5, Property Management (P.L. 102-217, 116 STAT 1062, enacted August 21, 2002.), as amended (40 U.S.C. 545(b)(8)) authorizes the negotiated sale of surplus real property, subject to obtaining such competition as is feasible under the circumstances, to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, provided the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation. Deeds conveying surplus real property under this section contain no restriction on the use of properties conveyed. In accordance with further provisions of the section, an explanatory statement of the circumstances of each disposal by negotiation is prepared and submitted to the appropriate committees of Congress in advance of each disposal when the property involved has a fair market value in excess of \$100,000.

Under the public benefit programs, eligible entities must apply to a sponsoring Federal agency.

Parks and Recreation:

Bill Huie, Regional Program Coordinator
Federal Land to Parks Program
National Parks Service
100 Alabama Street S.W.
Atlanta, Georgia 30303-8701
Tel: 404-562-3175
Email: Bill.Huie@nps.gov

Public Health:

Education:

Barbara Shawyer, BRAC Project Manager
Federal Real Property Assistance, OM
U. S. Department of Education
400 Maryland Avenue SW, Room 2E-115
Washington, DC 20202-4553
Tel: 202-401-0044
Email: Barbara.shawyer@ed.gov

Corrections and Law Enforcement:

John Hicks, Chief Space Mgmt Branch
Contact: Theresa Rita, Realty Specialist
Division of Property Mgmt/PSC
Dept. of Health & Human Services
Parklawn Building, Room 5B-17
5600 Fishers Lane
Rockville, MD 20857
Tel: 301-443-2265
Maria.Pressley@usdoj.gov
E-Mail: rpb@psc.gov or tritta@psc.gov

Self-Help Housing:

Janet Golrick, Associate Deputy Asst Secretary
Office of Multi-family Housing
Dept. of Housing & Urban Development
451 7th Street, SW, Room 6110
Washington, D. C. 20410
Tel: 202-708-2495
E-Mail: janet.m.golrick@hud.gov
E-Mail: bill.smith1@dhs.gov

**Historic Monuments:
apply)**

Contact the Military Department
(Disposal Agency)

M. Berry
Bureau of Justice Assistance
Office of Justice Programs
U. S. Department of Justice
810 7th Street, NW, Room 4423
Washington, D.C. 20531
Tel: 202-353-8643
E-Mail:

Emergency Management

Bill (Cheri) A. Smith, Program Analyst
Federal Emergency Management Agency
FEMA AR-FM-PO
500 C Street, SW, Room 731E
Washington, D. C. 20472
Tel: 202-646-3383
Fax: 202-646-4592

Wildlife Conservation (only States may

Contact the Military Department
(Disposal Agency)