



# Acquiring Federal Real Property



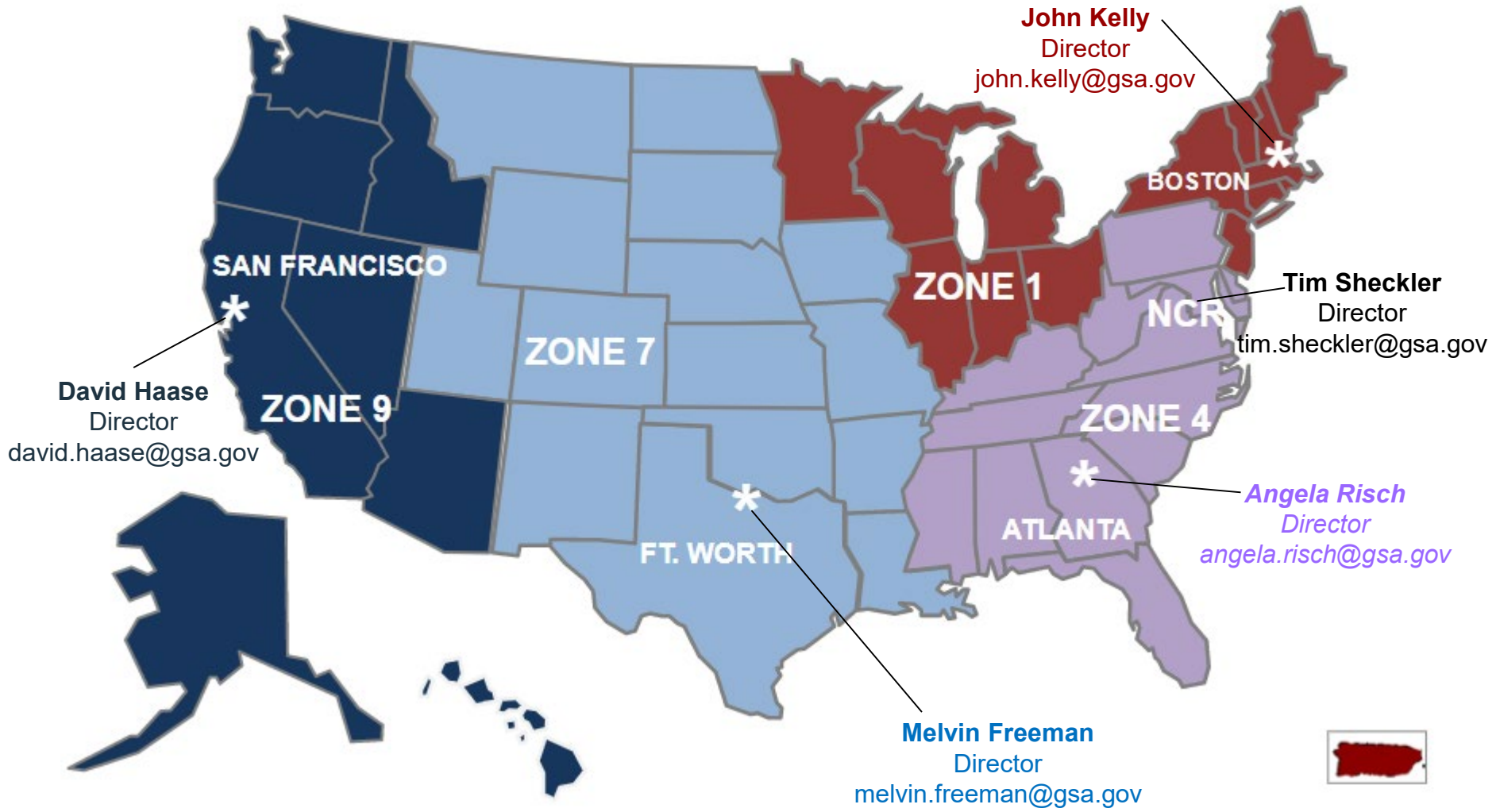


# General Services Administration – Created in 1949

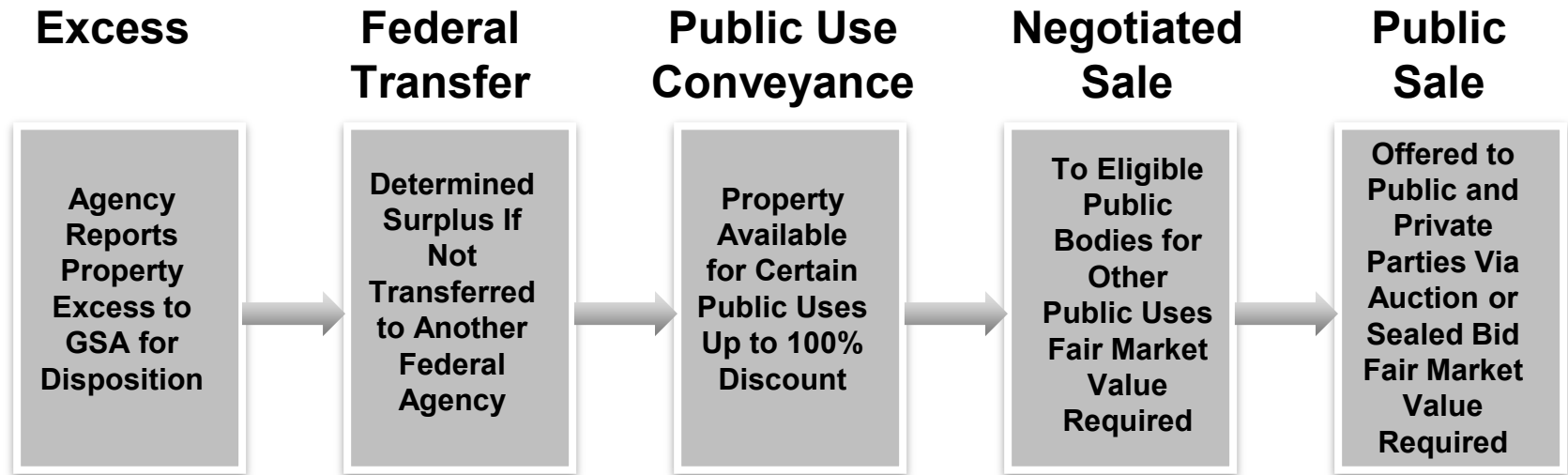


# Precursor Agencies to Formation of GSA

- Work Progress Administration
- Public Works Administration
- Federal Art Project
- Federal Surplus Relief Corporation
- Federal Works Agency
- Defense Plant Corporation
- Defense Fuel Supplies Corporation
- Petroleum Reserves Corporation
- Metals Reserve Corporation
- Rubber Reserve Company
- Defense Supplies Corporation (1988)
- Emergency Program (until 1988 – DLA)
- War Assets Corporation
- War Assets Administration
- Reconstruction Finance Corporation
- Public Buildings Administration
- Bureau of Federal Supply – former Treasury
- Office of Contract Settlement – Treasury
- National Archives Establishment (1984 – NARA)
- Strategic Stockpile and Emergency Management (1979 – FEMA)
- National Defense Stockpile Center (1988 – DLA)
- National Industrial Equipment Reserve Program
- Civil Defense



# Disposal Process under 40 USC, Chapter 5



# Limitation: Definition of Real Property

Any interest in land, together with the improvements, structures, and fixtures located thereon and appurtenances thereto, under the control of any Federal agency, except:

- The public domain;
- Lands reserved or dedicated for national forest or national park purposes;
- Lands withdrawn or reserved from the public domain but not including lands or portions of lands so withdrawn or reserved that the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise



# Other Limitations of Property Act

- Excess property limited to federal agencies
- PBC conveyances, below FMV or at no cost, limited to state and local governments and, in some cases, nonprofit organizations
- Negotiated sales are limited to state and local governments or in cases of unusual circumstances (Ex: no access, environmental conditions, deed restrictions)

# Excess and Surplus Federal Real Property

## Excess Real Property

- Real property that the Federal Government no longer needs to carry out its program responsibilities.

## Surplus Real Property

- Real property that none of the Federal agencies need to carry out their program responsibilities.
- May be made available for other uses through the following:
  - Public Benefit Conveyances (PBCs)
  - Negotiated Sales; or
  - Public Sales





*Superior Entry Light, Superior, WI*



*South Interior Building, Washington DC*



*Deer Valley, Custer, SD*



*Dunlap Landing Lake Lanier, Gainesville, GA*

# Federal Agency to Agency Transfers

- The Administrator of General Services shall provide for the transfer of excess property - - among federal agencies
- Requires payment of fair market value, as determined by GSA
- Only exception is with waiver recommended by GSA and approved by Office of Management and Budget (OMB)

# **Authorities for the Acquisition of Federal Land by Tribes**

## **40 U.S.C. 523**

The Administrator of General Services shall prescribe procedures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.

# **Authorities for the Acquisition of Federal Land by Tribes (cont.)**

## **40 U.S.C. 523**

The Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.

# Authorities for the Acquisition of Federal Land by Tribes (cont.)

## 40 U.S.C. 523

Special requirement for Oklahoma Real Property:

- is located within boundaries of former reservations in Oklahoma, as defined by the Secretary, and was held in trust by the Federal Government for an Indian tribe when the Government acquired it; or
- is contiguous to real property presently held in trust by the Government for an Oklahoma Indian tribe and was held in trust by the Government for an Indian tribe at any time.



# **Authorities for the Acquisition of Federal Land by Tribes (cont.)**

## **40 U.S.C. 523 - Process**

- Federal screening includes BIA
- BIA identifies real property subject to requirement
- GSA transfers to DOI/BIA at no cost to Tribe
- BIA holds in trust for Tribe

# Indian Self-Determination, Education and Assistance Act

## 25 U.S.C. 5324(f)

- DOI/BIA may permit an Indian tribe or tribal organization to utilize existing school buildings, hospitals, and other facilities and all equipment under the Secretary's jurisdiction
- DOI/BIA may donate to an Indian tribe or tribal organization title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service

# **Indian Self-Determination, Education and Assistance Act (cont.)**

## **25 U.S.C. 5324(f)**

Secretary can acquire excess or surplus Government personal or real property for donation to an Indian tribe or tribal organization if the Secretary determines the property is appropriate for use by the tribe or tribal organization for a purpose for which a self-determination contract or grant agreement is authorized under this chapter

# Indian Self-Determination, Education and Assistance Act (cont.)

## 25 U.S.C. 5324(f) Process

- GSA screens excess real property including BIA
- BIA notifies GSA of request for property by Tribe under valid contract and provides contract purposes and proposed use of real estate
- GSA reviews against PBC authorities to determine whether to support waiver of FMV or requirement for BIA to pay FMV
- Tribe has made arrangements for payment through BIA on past transactions.
- Property transferred to DOI/BIA for conveyance to Tribe

## Other Unique Authorities

- The Hawaiian Home Lands Recovery Act  
- Public Law 104-42, 48 U.S.C. Note  
Prec 491
- Alaska Native Claims Settlement Act –  
43 U.S.C. 33
- Guam Excess Lands Act – Public Law  
103-339



**Questions?**

# Contact Information

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