

Please note: This text is from the fourth edition of *Federal Historic Preservation Laws*, published in 2006 by the National Center for Cultural Resources, National Park Service, Department of the Interior. This edition contains 24 Federal laws and portions of laws that pertain to the preservation of the Nation's cultural heritage.

The citations in this book are no longer current. We have retained this online edition for its historic value, and for the plain-language context that it provides about these laws.

For up-to-date citations and links to the current text of Federal historic preservation laws, please consult our webpage about **Federal Historic Preservation Laws, Regulations, and Orders:**
<https://www.nps.gov/subjects/historicpreservation/laws.htm>.

For information about **Title 54 of the United States Code**, please visit:
<https://www.nps.gov/subjects/historicpreservation/laws-intro.htm>.

Federal Property and Administrative Services Act

PORTIONS, AS AMENDED

The Act became law on June 30, 1949 (63 Stat. 385, 40 U.S.C. 484(k)(3) and (4)) and has been amended seven times. Public Law 107-217 (August 21, 2002) repealed, re-enacted “without substantive change,” and re-codified these portions of the Act from 40 U.S.C. 484 to 40 U.S.C. 550. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the “Act” (meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code.

40 U.S.C. 550,
Disposal of surplus
real property

40 U.S.C. 550(a),
“State” defined

40 U.S.C. 550(b),
Enforcement
and revision of
legal documents
transferring property
under this section

40 U.S.C. 550(b)(1),
Role of Federal agency
“specified official”

40 U.S.C. 550(b)(2),
“Specified official”
defined

Section 550

(a) **Definition.** In this section, the term “**State**” includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b)(1) **In general.** Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this Act, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation, or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) **Specified official.** The official referred to in paragraph (1) is

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

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(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(Subsections 550(c) and (d) omitted)

40 U.S.C. 550(e),
Property for use as a
public park or recre-
ation area

(e)(1) Assignment. The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) Sale or lease. Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) Fixing value. In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) Deed of conveyance. The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to

(B) the Government; and

(C) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

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40 U.S.C. 550(f),
Property for low
income housing
assistance

(f)(1) Assignment. The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) Sale or lease. Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) Self-help housing.

(A) In general. The Administrator shall disapprove a proposed transfer of property under this subsection unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(B) Guidelines for considering disabilities. For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

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(4) Fixing value.

(A) In general. In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) Amount of discount. The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(Subsection 550(g) omitted)

40 U.S.C. 550(h),
Property for use as a
historic monument

(h)(1) Conveyance.

(A) In general. Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) Recommendation by National Park System Advisory Board. Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) Revenue-producing activity.

(A) In general. The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior

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(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) Use of excess income. The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) Audits. The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) Deed of conveyance. The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.