

Expedited Real Property Disposal Amendment to NDAA *Senator Angus King (I-ME)*

Purpose:

The King Amendment seeks to cut red tape from the Army's real property disposal process while ensuring properties under Title V of the McKinney-Vento Act remain eligible for homeless assistance programs. Specifically, this amendment provides the Army an exemption on property that is not available for on-site use because of access restrictions based on national security concerns, and it is not suitable for off-site use because of its structural characteristics or conditions. Properties outside the scope of the amendment, such as mobile property, remain subject to the existing requirements under Title V. This authority expires on September 30, 2017 ensuring Congress can take appropriate action should an abuse of this exemption occur.

Background:

- The Government Accountability Office (GAO) has included Managing Federal Real Property on its High Risk List since 2003.¹ This is due in part because landholding agencies do not dispose of unneeded buildings and structures efficiently.
- The Department of the Army owns 27% of the federal government's buildings. Most of the Army's unneeded buildings are located on land it still uses, which means the buildings must be relocated in order to be used—at a cost to the entity that acquires the property.
- Accordingly, the Army says that its ability to dispose of its unneeded properties in an efficient manner is hampered by requirements that do not seem appropriate to the nature of its inventory.² In particular, the Army identified Title V of the McKinney-Vento Act³ as unnecessarily burdensome.⁴
- Title V requires federal landholding agencies to make their unneeded properties available for use providing services to the homeless, such as job training and shelter.
- As a result, the Army must report its unneeded properties to the Department of Housing and Urban Development (HUD) on a quarterly basis. HUD then offers them to non-profits and state and local governments that run homeless assistance programs.
- These entities may then apply to acquire the properties at no cost. The entire process, from identifying unneeded properties to completing the application process (whether the application is approved or denied) consumes Army staff resources and can add up to six months to the disposal process.

¹ U.S. Government Accountability Office, *High Risk Series: An Update*, GAO-15-290, February 2015, p. 135, at <http://www.gao.gov/assets/670/668415.pdf>.

² U.S. Federal Real Property Council, FY 2013 *Federal Real Property Report*, p. 7, at <http://www.gsa.gov/portal/content/102880>.

³ 101 Stat. 482.

⁴ U.S. Government Accountability Office, *Federal Real Property: More Useful Information to Providers Could Improve the Homeless Assistance Program*, GAO-14-739, September 2014,