



Federal Aviation Administration

Memorandum

Date: November 6, 2020

To: Director, Aviation Property Management, APM-1

From: Deputy Assistant Administrator for Acquisition and Business Services, ACQ-1

Subject: Eminent Domain Delegation of Authority

Pursuant to the authority delegated to me as the FAA Acquisition Executive (FAE) by the Administrator on March 24, 2020, I hereby delegate to the Director of Aviation Property Management, procurement authority to acquire real property by eminent domain (also referred to as condemnation).

Per Acquisition Management System (AMS) Policy section 3.8.8.5, Condemnation, this authority may be exercised as a last resort for real property acquisitions when negotiations have reached an impasse and a satisfactory conclusion for the procurement cannot be reached. All eminent domain actions require legal review.

All eminent domain proceedings must follow the Department of Justice Condemnation Guidelines and Regulations of the U.S. Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016) and FAA AMS Policy and Guidance on Condemnation.

The exercise of the right of eminent domain is one of the attributes of government power. However, given the degree of difficulty, the length of time and the considerable expense involved in litigating a condemnation action, the FAA should initiate proceedings only when all attempts to reach a mutually satisfactory agreement through negotiations have failed.

This delegation rescinds all prior delegations of authority to acquire real property by eminent domain.