**FAA Real Estate Authorities**

**Below is a list of the major authorities, FAA RECO would use to acquire, dispose or manage real property.  However for a complete listing of all authorities please refer to Appendix E under External Authorities in FAST (**<http://Fast.faa.gov>**) .**

**I.            Authority to Acquire**

49 U.S.C. 106(n):  The administrator is authorized –

* to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain –
  + air traffic control facilities and equipment;
  + research and testing sites and facilities; and
  + such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;
* to lease to others such real and personal property; and
* to provide by contract of otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.
* Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

**II.         Lease Terms**

49 U.S.C.  106(l)(6): Contracts – The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration.  The Administrator may enter into such contracts, leases, cooperative agreements and other transactions with any Federal agency … State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.

**III.       General Procurement Authority**

49 U.S.C. 40110(a) – General. In carrying out this part, the Administrator of the Federal Aviation Administration –

* To the extent that amounts are available for obligation, may acquire services or, by condemnation or otherwise, an interest in property, including an interest in airspace immediately adjacent to an needed for airports and other air navigation facilities owned by the United States Government and operated by the Administrator.

**IV.            Authority to acquire housing units**

49 U.S.C. 40110(b): … the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $300,000 or less.

* For fiscal years beginning after September 30, 1997, the Administrator may adjust the dollar amount specified in paragraph (1) to take into account increases in local housing costs.
* Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if t here is an obligation thereafter to pay necessary and reasonable fees related to operation, maintenance, taxes and insurance.
* Certification to FAA’s Congressional authorizing committees is required at least 30 days before completing the purchase.
  + Description of the housing unit and its price
  + A certification that the price does not exceed the median price of housing units in the area, and
  + A certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.
* The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts available to the Administrator.

**V.        Anti-Deficiency Act exemption**

49 U.S.C. 40110(c) (2): The Administrator may –

* Notwithstanding section 1341(a)(1) of title 31, lease an interest in property for not more than 20 years:
* Consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace;

**VI.            Multiyear contracts for property**

49 U.S.C. 40112(a): Notwithstanding section 1341(a) (1) (B) of title 31, and to the extent amounts otherwise are available for obligation, the Administrator of the Federal Aviation Administration may make a contract of more than one but not more than five fiscal years to purchase property, except a contract to construct, alter, or make a major repair or improvement to real property.

**VII.            Acquisition reform Authority**

49 U.S.C. 40110(d):

-         In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement … an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

-         The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

* Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252-266);

**VIII.            Property Disposal Authority**

49 U.S.C. 40110(a) (2): The Administrator of the Federal Aviation Administration may dispose of an interest in property for adequate compensation;

49 U.S.C. 40110(c)(2)(F): When carrying out subsection (a) of this section, the Administration of the Federal Aviation Administration may dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under sections 121, 123, and 126 and Chapter 5 of title 40.

**IX.       General Facilities and Personnel Authority**

49 U.S.C. 44502 – (a)(1) The Administrator of the Federal Aviation Administration may

* (A) acquire, establish, improve, operate, and maintain air navigation facilities; and
* (B) provide facilities and personnel to regulate and protect air traffic

**X.            Acquisition Management Section**

49 U.S.C. 40110(d)(2) – Applicability of Federal Acquisition Law – the following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

* (A) Title III of the Federal Procurement and Administrative Services Act of 1949 (41 U.S.C. 252-266)
* (B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)
* (C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355); except for section 315 (41U.S.C. 265).
* (D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.
* (E) The Competition in Contracting Act.
* (F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.
* (G) The Brooks Automatic Data Processing Act (40 U.S.C. 759)
* (H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.