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MEMORANDUM

**To: Hon. Markwayne Mullin, Secretary, Department of Homeland Security
Hon. Karen Evans, Administrator, Federal Emergency Management
Agency**

**From: Andrew Langer, Director, Center for Regulatory Freedom, CPAC
Foundation**

Date: April 13, 2026

**Re: Comments on United States Department of Homeland Security/Federal
Emergency Management Agency Information Collection Request,
“Application for Surplus Federal Real Property Public Benefit
Conveyance and BRAC Program for Emergency Management Use,”
Docket #FEMA-2025-0212, Fed. Reg. 2026-02678, Published February 11,
2026**

Below are comments of the American Conservative Union Foundation's (d/b/a. Conservative Political Action Coalition Foundation) (hereinafter “CPAC Foundation”) Center for Regulatory Freedom (hereinafter “CRF”), in response to the United States Department of Homeland Security/Federal Emergency Management Agency Information Collection Request, “Application for Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use,” Docket #FEMA-2025-0212, Fed. Reg. 2026-02678, published February 11, 2026.

CRF is a project of the CPAC Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation. Our mission is to inject a common-sense perspective into the regulatory process, to ensure that the risks and costs of regulations are fully based on sound scientific and economic evidence, and to ensure that the voices, interests, and freedoms of Americans, and especially of small businesses, are fully represented in the regulatory process and debates. Finally, we work to ensure that regulatory proposals address real problems, that the proposals serve to ameliorate those problems, and, perhaps most importantly, that those proposals do not, in fact, make public policy problems worse.

Introduction

The Federal Emergency Management Agency is to be commended for continuing to evaluate and refine the administrative processes governing the conveyance of surplus Federal real property for emergency management use. The Public Benefit Conveyance (PBC) framework plays a critical role in ensuring that underutilized Federal assets are repurposed in a manner that advances public safety, strengthens local response capacity, and promotes efficient stewardship of taxpayer resources.

At its core, this program reflects a sound and necessary policy objective: aligning dormant or excess Federal real property with the operational needs of State, local, and Tribal governments responsible for frontline emergency management. When executed effectively, these conveyances convert static Federal assets into dynamic, mission-oriented infrastructure that supports fire, rescue, and disaster response functions in communities across the country.

More broadly, this effort implicates a fundamental principle that should guide Federal property policy: the Federal government owns and maintains an expansive real property portfolio that exceeds its core mission needs. Systematic, disciplined divestment of surplus property—particularly where there is a clear public safety use—represents both sound fiscal management and effective intergovernmental coordination.

Executive Summary

This comment supports FEMA's continued administration and extension of the information collection associated with the Application for Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use. The underlying program advances critical policy goals by facilitating the transfer of underutilized Federal assets to entities that can deploy them for immediate and sustained public benefit.

At the same time, the effectiveness of this framework will be determined not by the existence of the application process itself, but by whether that process is structured to maximize participation, minimize administrative friction, and ensure timely, predictable outcomes. The current information collection should therefore be evaluated through the lens of burden-to-utility alignment, process efficiency, and interagency coordination.

First, FEMA should ensure that the application collects only information that is strictly necessary to evaluate eligibility, feasibility, and intended use, avoiding duplicative or low-value data elements that do not materially inform decision-making. Second, FEMA should reassess the estimated respondent burden to ensure that it reflects the full scope of compliance activities, including legal, environmental, and intergovernmental coordination costs.

Third, FEMA should prioritize clarity, standardization, and usability in the application itself, ensuring that applicants can readily understand requirements and provide information in a structured, decision-relevant format. Fourth, FEMA should continue to explore opportunities to minimize burden through electronic submission, data interoperability, and alignment with processes administered by the General Services Administration and the Department of Defense.

Finally, FEMA should view this information collection not as a static administrative requirement, but as a critical gateway in a broader disposition pipeline. Streamlining this gateway is essential to advancing the larger policy objective of reducing the Federal real property footprint while strengthening local emergency management capacity.

The Importance of Making Surplus Federal Property Conveyance As Simple As Possible

The conveyance of surplus Federal real property for emergency management use represents a clear instance in which administrative efficiency and public benefit are directly aligned. Properties that are no longer mission-critical to Federal agencies impose ongoing carrying costs and opportunity costs, while simultaneously remaining unavailable for productive use at the State and local level. Accelerating their transfer is therefore both fiscally responsible and operationally prudent.

From a fiscal perspective, divestment of surplus property removes assets from the Federal balance sheet that would otherwise require maintenance, security, and administrative oversight. These costs, while often diffuse and underreported, accumulate over time and represent a form of structural inefficiency in Federal asset management. Conveyance to State and local entities eliminates these liabilities while preserving the public character of the asset.

From the perspective of State and local governments, the benefits are equally clear. Emergency management infrastructure—fire stations, training facilities, logistics hubs, and emergency operations centers—requires substantial capital investment. The availability of surplus Federal property reduces or eliminates the need for new expenditures, allowing jurisdictions to allocate limited resources more effectively across other critical priorities.

The information collection at issue should therefore be evaluated not only as a compliance instrument under the Paperwork Reduction Act, but as a key determinant of how efficiently these mutually reinforcing benefits are realized. Any unnecessary complexity, ambiguity, or delay embedded in the application process directly undermines the program's effectiveness.

In this regard, FEMA should ensure that the application is tightly aligned with core decision criteria. Each data element should serve a clear and demonstrable purpose in assessing eligibility, intended use, and compliance with statutory and regulatory requirements. Data elements that do not materially inform these determinations should be eliminated or consolidated.

Particular attention should be paid to avoiding duplication across Federal agencies involved in the disposition process. Because these conveyances operate within a broader interagency framework involving GSA and, in some cases, DOD, applicants may face overlapping or redundant information requests. FEMA should work to harmonize its requirements with those of partner agencies, with the goal of enabling a single, coherent submission process wherever feasible.

The estimated respondent burden should also be revisited to ensure that it reflects the full scope of activities required to complete the application. While the form itself may be

relatively straightforward, applicants often must engage in internal coordination, legal review, property assessment, and compliance verification. These activities represent real costs that should be captured in FEMA’s burden analysis.

Improving the clarity and structure of the application will further reduce burden and enhance data quality. Clear definitions, standardized response formats, and explicit instructions can significantly reduce the likelihood of incomplete or inconsistent submissions, thereby reducing the need for follow-up requests and accelerating the review process.

FEMA should also continue to prioritize electronic submission and data management capabilities. Digital platforms can streamline data entry, enable validation checks, and facilitate information sharing across agencies. These tools are particularly important in ensuring that smaller jurisdictions—often with limited administrative capacity—are able to participate effectively in the program.

Beyond the application itself, FEMA should consider how process design can support more predictable and timely outcomes. While not strictly within the scope of the information collection, the efficiency of downstream review and approval processes is closely linked to the structure and completeness of the initial submission. Clear timelines, transparent status tracking, and defined points of contact can enhance the overall functionality of the system.

A related consideration is the standard governing evaluation of proposed uses, including the concept of “highest and best use.” While this standard is well-established in property management, its application should be transparent and grounded in objective criteria. Applicants should have a clear understanding of how their proposals will be evaluated and what factors may influence approval decisions.

In all of these respects, the guiding principle should be facilitation rather than friction. The objective of the program is not to impose procedural hurdles, but to enable the efficient transfer of assets to entities that can deploy them in service of public safety. Administrative design should reflect that objective at every stage.

Conclusion

FEMA’s administration of the Public Benefit Conveyance program for emergency management use represents an important mechanism for aligning Federal asset management with local operational needs. The extension of the associated information collection is appropriate and necessary to support this function.

At the same time, the success of this framework will depend on the degree to which the application process is structured to minimize burden, eliminate redundancy, and provide clear, actionable guidance to applicants. By focusing on necessity, proportionality, and process efficiency, FEMA can ensure that the information collection serves its intended purpose without imposing unnecessary constraints.

More fundamentally, this program should be understood as part of a broader effort to rationalize the Federal government’s real property portfolio. Divesting surplus assets—

particularly where they can be repurposed for emergency management—advances both fiscal responsibility and public safety objectives.

The effectiveness of FEMA’s approach will not be determined by the volume of information collected or the procedural completeness of the application process, but by whether the system facilitates timely, predictable, and efficient transfers that place underutilized Federal assets into the hands of State and local entities capable of putting them to immediate and sustained public use.

Sincerely,

A handwritten signature in black ink, reading "Andrew M. Langer". The signature is fluid and cursive, with the first name "Andrew" and last name "Langer" being more prominent than the middle initial "M".

Andrew M. Langer

Director

CPAC Foundation Center for Regulatory Freedom