



**Office of Congressional and
Intergovernmental Affairs**

September 29, 2023

The Honorable Jeanne Shaheen
United States Senate
Washington, DC 20510

Dear Senator Shaheen:

Thank you for your letter to Administrator Robin Carnahan dated September 19, 2023, regarding the disposal of the McIntyre Federal Office Building located in Portsmouth, New Hampshire. Your inquiry has been referred to me for response. Please see below for answers to your questions.

You asked whether the U.S. General Services Administration's (GSA) is legally prohibited from conveying, without consideration, the McIntyre Building to the City of Portsmouth (City), and if GSA has ever considered it within the Administration's authority to convey the McIntyre Building to the City of Portsmouth without consideration.

Upon enactment of Public Law (P.L.) 108-199, GSA planned to convey the McIntyre Building to the City without consideration, subject to the provisions and requirements of that law. However, as previously discussed, GSA's statutory authority to convey the McIntyre Building, without consideration, was predicated on the construction of a new Federal building at the Pease Tradeport. Because that pre-condition did not occur, P.L. 108-199 does not authorize GSA to convey the McIntyre Building to the City. Therefore, GSA is limited to disposing of this building using procedures and authorities available under the Property Act.

While the Property Act does not provide GSA authority to convey the building without consideration, it does allow for a Public Benefit Conveyance, where non-monetary consideration is provided in the form of an approved public benefit program. One such authority is a Historic Monument public benefit conveyance, which GSA explored with the City.

If you have any additional questions or concerns, please contact me at [REDACTED]

Sincerely,

DocuSigned by:
A handwritten signature in black ink, appearing to read "Gianelle E. Rivera".
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Gianelle E. Rivera
Associate Administrator

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