

## Department of Administrative Services Policy

**Policy No:** 24-02  
**Application:** Real Estate Divestiture  
**Subject:** Foreign Adversaries Reversion Policy  
**Effective Date:** 09-26-2024

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### I. Overview

To the fullest extent allowed by the Constitution and the laws of Nebraska, when divesting real property the State of Nebraska will limit the estate conveyed to a fee simple determinable that complies with this Policy. *See* Neb. Rev. St. § 76-107(2).

Instruments divesting State-owned real estate shall include a reversionary interest that is triggered if the divested property is subsequently sold to a Foreign Adversary. For the purposes of this Policy and said instruments, “Foreign Adversary” means any foreign government or foreign non-government person or entity that has been so designated by the U.S. Secretary of Commerce.

### II. Reversion if Formerly State-Owned Land Is Sold to a Foreign Adversary

To ensure no State land is sold to a Foreign Adversary, the following or similar language will be included in all deeds upon the divestiture of State-owned land:

TO HOLD ONLY SO LONG AS the land is not sold to a foreign adversary. Should any such sale be made to a foreign adversary, all interest of GRANTEE and its heirs, successors, and assigns shall be forfeited and shall revert automatically to GRANTOR without the necessity of any act on their part. On the occurrence of this forfeiture, the property shall immediately pass to the GRANTOR, as if this transfer had not been made.

#### NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Administrative Services until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Administrative Services and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03

### III. Legal Basis and References

A. Neb. Rev. St. § 81-1108.17. Nebraska law makes the Department of Administrative Services the custodian of all lands owned by the State of Nebraska:

81-1108.17. Department of Administrative Services; custodian of state property; director; administrator; powers and duties; Capitol Buildings Parking Revolving Fund; created; purpose; use.

(1) The Department of Administrative Services shall be the custodian of the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

B. Neb. Rev. St. § 72-815. Nebraska law also vests DAS with the responsibility to divest land owned by the State of Nebraska:

72-815. Vacant buildings and excess land; state building division; powers and duties; demolition; sale; lease; proceeds; disposition; maintenance; excess land at Hastings Regional Center; sale; distribution of proceeds.

(1) The state building division of the Department of Administrative Services shall be responsible for the sale, lease, or other disposal of a building or land, whichever action is ordered by the committee.

C. Neb. Rev. St. § 76-107(2). Nebraska law allows the grantor of a property interest to retain a possibility of reverter in the event a specified event occurs.

The foregoing policy is duly signed and executed on this 26<sup>th</sup> day of September, 2024.



**Director,**  
State of Nebraska, *Department of Administrative Services*



DATE



**Administrator, Building Division**  
State of Nebraska, *Department of Administrative Services*



DATE

