



U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

2144



## Application Kit

### Federal Surplus Property Transfer Program

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
BUREAU OF JUSTICE ASSISTANCE

March 1985

APPLICATION KIT

FEDERAL SURPLUS PROPERTY  
TRANSFER PROGRAM

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NCJRS

U.S. DEPT. OF JUSTICE

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#### DESCRIPTION OF PROGRAM

General: The Assistant Attorney General, Office of Justice Programs, is authorized by the Attorney General to approve state or local government programs or projects for the care or rehabilitation of criminal offenders which propose to use Federal surplus real property. The Bureau of Justice Assistance (BJA), within the Office of Justice Programs, will provide appropriate staff support. Authority for this action is contained in the Comprehensive Crime Control Act of 1984, Chapter VII - Surplus Federal Property Amendments, Pub. L. 98-473, 98 Stat. 1837 (October 12, 1984) Title II. Appendix A is a copy of Chapter VII.

Purpose: The Administrator of the General Services Administration (GSA) may transfer or convey to state and local government and territories, at no cost, surplus real and related property determined by the Attorney General to be required for correctional facility use for programs or projects for the care or rehabilitation of criminal offenders, as approved by the Attorney General.

If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982 and October 12, 1984 was suitable for transfer or conveyance, as required for correctional facility use for programs or projects for the care and rehabilitation of criminal offenders, the Administrator of the General Services Administration shall reimburse any monetary consideration paid to the United States for the property.

Eligibility: States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof may authorize applications for the transfer or conveyance of surplus real property for correctional use.

BJA gives no priority to any prospective applicants for surplus property. When there is a conflicting interest in a property, BJA urges the competing interests to resolve the conflict among themselves. If the conflict cannot be resolved at the local level, a determination will be made to GSA based on the merits of the proposed correctional uses.

Availability: In addition to general notifications of availability provided by GSA, the Bureau of Justice Assistance will notify appropriate state criminal justice agencies designated to administer the Justice Assistance Act block grant program, state departments of corrections, and counties/cities of available surplus Federal property.

When a state or local government agency determines that available Federal surplus real property is suitable and needed for a corrections program or project, the agency must notify both the appropriate Regional General Services Administration Office and the Bureau of Justice Assistance of its intent to acquire the property. This notification of intent should occur within 60 days after notification of property availability. A list of GSA Regional Offices and areas served is attached as appendix B.

**Stipulations and Compliance:** The deed of conveyance or transfer will provide that the property must always be used and maintained as a correctional facility for approved programs or projects for the care or rehabilitation of criminal offenders. Periodic inspections of property use are made by GSA to ensure compliance with the terms and conditions of conveyance. Recipients can suffer hardship and financial loss when properties are reverted to Federal ownership for non-compliance. Recipients are encouraged to coordinate any proposed deviation with BJA and GSA. Property which ceases to be used for an approved purpose reverts to the Federal government.

**Intergovernmental Review of Federal Programs.** This program is covered by Executive Order 12372 and Department of Justice implementing regulations 28 CFR Part 30. States must submit their use plan and application to the state "Single Point of Contact," if there is a "Single Point of Contact," and if this program has been selected for coverage by the state process, at the same time the application is submitted to the BJA. State processes have 60 days starting from the application submission date to comment on applications. Applicants should contact their state "Single Point of Contact," as soon as possible, to alert them of the prospective application and to receive instructions regarding the process.

For further information, please contact the Bureau of Justice Assistance, 633 Indiana Avenue, N.W., Washington, D.C. 20531, telephone (202)724-5961.

## INSTRUCTIONS FOR COMPLETING THE APPLICATION

**General:** A completed Federal Surplus Property Transfer Program application must be submitted by a state or local government requesting no cost conveyance of Federal surplus real property for correctional program or project use. Information provided will be used by the Bureau of Justice Assistance, Office of Justice Programs, in accordance with Chapter VII to: (1) determine if the applicant's project requires the use of surplus real property; (2) report the determination to the General Services Administration (GSA); and, (3) report the determination to the GSA regarding suitability of previously transferred property for correctional facility use. These determinations will be made by the Assistant Attorney General, Office of Justice Programs.

The application is divided into four sections: Section I. Applicant/Recipient Data; Section II. Description of Requested Surplus Property; Section III. Correctional Program Narrative; and, Section IV. Environmental Assessment.

### **Section I. Applicant/Recipient Data:**

This part of the application requests information identifying the purpose of the application, the applicant agency, and the proposed correctional program or project. Applicants should notify their state "Single Point of Contact" at the same time they advise the GSA and the BJA of their intent to acquire Federal surplus real property. The application plan must be submitted to the

state "Single Point of Contact" concurrent with submission to the BJA. An original and two copies of the application must be submitted to BJA.

**Section II. Description of Requested Surplus Real Property:**

The description of the real property and related personal property or portion thereof being requested should correlate with the Description of Surplus Real Property established in GSA's Notice of Availability of Surplus Real Property. To the extent possible, a plat plan illustrating the location of the real property in relation to its immediate surroundings should be provided.

**Section III. Correctional Program Narrative:**

The primary correctional program objective should be identified. (For example, to provide detention facilities for minimum security inmates assigned to work release programs.) Care should be taken in defining the principal and subordinate objectives because this definition establishes the perpetual use restrictions which will be contained in the deed of conveyance or transfer.

The narrative should contain a description of the results and benefits to be achieved from the correctional program. The action plan should identify the major milestones to be accomplished and establish dates when these accomplishments will be achieved. The amount, source, and timing of funds needed to renovate or construct facilities and to administer the correctional program should be described.

The applicant must provide a copy of the approval by the governing body (legislature, commission, council, etc.) authorizing the acquisition and use of the surplus Federal property.

**Section IV. Environmental Impact:**

Environmental impact of the proposed use of surplus real property will be assessed by GSA. An environmental assessment which analyzes the significant environmental factors must be attached to the application.

Applications should be submitted to:

U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531

APPLICATION

SECTION I. APPLICANT/RECIPIENT DATA

1. Type of Action.

- a. ( ) Application to transfer or convey surplus real property.
- b. ( ) Application for reimbursement of funds paid for surplus real property.

2. Legal Applicant/Recipient.

- a. Applicant's Name:
- b. Organization Unit:
- c. Street/P.O. Box No.:
- d. City:
- e. County
- f. State:
- g. Zip Code:
- h. Congressional District(s):
- i. Contact Person (name and telephone number):

3. Title and Brief Description of Applicant's Project.

4. The applicant certifies that to the best of his or her knowledge and belief, data in this application are true and correct, and the application has been duly authorized by the governing body of the applicant.

5. Certifying Representative.

- a. Signature: \_\_\_\_\_
- b. Typed name and title: \_\_\_\_\_
- c. Date signed: \_\_\_\_\_

SECTION II. DESCRIPTION OF REQUESTED SURPLUS REAL PROPERTY

1. Legal description of Surplus Real Property or Portion Requested.

2. Description of buildings and other structures requested, if not provided in  
# 1 above.

3. Description of related personal property requested.

SECTION III. CORRECTIONAL PROGRAM NARRATIVE

1. Describe the need for surplus real property giving the principal and subordinate objectives of the desired correctional program.

2. Identify the results and benefits to be derived.

3. Outline a plan of action pertaining to the scope, timing, and detail of how the proposed use of surplus real property will be accomplished.

4. Estimate the total funds needed to renovate or construct facilities on the surplus real property to achieve the correctional program purposes.

Describe the source and estimate when these funds will be available for expenditure.

5. Attach copies of approvals received by state or local governing bodies.

#### SECTION IV. ENVIRONMENTAL IMPACT

1. Environmental impact of the proposed use of surplus real property must be determined by the General Services Administration as the conveying agency responsible for a "major Federal action significantly affecting the human environment."

To assist the GSA in its determination of environmental impact, each application must include, as an attachment to its application, an environmental assessment for the proposed actions listed:

- (a) New construction.
- (b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.
- (c) The implementation of programs involving the use of pesticides and other harmful chemicals.
- (d) The implementation of programs involving harmful radiation (x-rays, etc.).
- (e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.
- (f) Other actions determined by BJA to possibly have a significant affect on the quality of the environment.

2. Environmental assessment statements must provide narrative answers and supporting documentation if implementation of the proposed correctional program will produce the following effects:

- a. Lead to a significant increase in air pollution;
- b. Lead to significant increase in water pollution;

(1) What is the ability of waste water system to meet demand without degrading water quality?

(2) How will water supply be affected?

- c. Lead to a significant increase in ambient noise level for a substantial number of people;
- d. Lead to poor incompatible land use, soil erosion, or soil pollution;
- e. Destroy or derogate from an important recreation area;
- f. Substantially alter the pattern or behavior of wildlife, or interfere with important breeding, nesting, or feeding grounds;
- g. Disturb the ecological balance of land or water area, or impact critical areas such as flood plains, wetlands, beaches and dunes, unstable soils, steep slopes, and aquifer recharge areas;
- h. Have significant affect upon areas of historical, archaeological, cultural, or educational-scientific significances;
- i. Have adverse aesthetic or visual effect;
- j. Have a detrimental affect on the safety of the community; and

k. Opposition to the proposal?

(1) Who?

(2) Why?

3. Each applicant must submit, as part of the application for surplus real property, the written findings of the "State Single Point of Contact" (SPOC) or the appropriate state agency review of the environmental assessment. The findings must indicate whether there may be a significant impact on the environment, in which case an environmental statement should be prepared, or a statement submitted indicating that no adverse environmental impact is probable.



H. J. Res. 648—293

"(b) In considering grant applications under this title, the Administrator shall give priority to applicants who—

"(1) have demonstrated or demonstrate ability in—

"(A) locating missing children or locating and reuniting missing children with their legal custodians;

"(B) providing other services to missing children or their families; or

"(C) conducting research relating to missing children; and

"(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance.

The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1).

"(c) In order to receive assistance under this title for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

"CRITERIA FOR GRANTS

"SEC. 407. The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 406 and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. To carry out the provisions of this title, there are authorized to be appropriated \$10,000,000 for fiscal year 1985, and such sums as may be necessary for fiscal years 1986, 1987, and 1988."

Subdivision E—Effective Dates

EFFECTIVE DATES

SEC. 670. (a) Except as provided in subsection (b), this division and the amendments made by this division shall take effect on the date of the enactment of this joint resolution or October 1, 1984, whichever occurs later.

(b) Paragraph (2) of section 331(c) of the Runaway and Homeless Youth Act, as added by section 657(d) of this division, shall not apply with respect to any grant or payment made before the effective date of this joint resolution.

CHAPTER VII—SURPLUS FEDERAL PROPERTY  
AMENDMENTS

SEC. 701. Section 203 of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern

## H. J. Res. 648—294

Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformatory or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States."

SEC. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyed under subsec-

## H. J. Res. 648—295

tion (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year."

## CHAPTER VIII—LABOR RACKETEERING AMENDMENTS

SEC. 801. Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186), is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than \$15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed \$1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than \$10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than \$15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed \$1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than \$10,000, or imprisoned for not more than one year, or both."

SEC. 802. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in

## GSA REGIONAL PROPERTY DISPOSAL OFFICES

<u>Region</u>	<u>Includes</u>	<u>Address</u>	<u>Telephone</u>
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Puerto Rico, Virgin Islands	John W. McCormack Post Office and Courthouse Boston, Massachusetts 02109	(617)223-2651 John Byrnes
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Washington, D.C., Maryland, Virginia, Pennsylvania, Delaware, West Virginia	Richard B. Russell Federal Building 75 Spring St., N.W. Atlanta, Georgia 30303	( )242-5133 Barney Maltby
5	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	230 South Dearborn St. Corr 5PD Chicago, Illinois 60604	(312)353-6045 Robert M. Crowse
7	Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Iowa, Kansas, Missouri, Nebraska	819 Taylor Street Forth Worth, TX 76102	(817)334-2331 Charles Dorman Thomas
9	American Samoa, Arizona, California, Guam, Hawaii, Nevada, the Trust Territory of the Pacific Islands	525 Market St San Francisco, CA 94105	(415)454-9086 Diane Kah
10	Alaska, Idaho, Oregon, Washington, Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	GSA Center Auburn, WA 98002	(206) 396-7547 Kenneth Lindetbak

# GSA REGIONAL PROPERTY DISPOSAL OFFICES

<u>Region</u>	<u>Includes</u>	<u>Address</u>	<u>Telephone</u>
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Puerto Rico, Virgin Islands	John W. McCormack Post Office and Courthouse Boston, Massachusetts 02109	(617) 223-2651 John Byrnes
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Washington, D.C., Maryland, Virginia, Pennsylvania, Delaware, West Virginia	Richard B. Russell Federal Building 75 Spring St., N.W. Atlanta, Georgia 30303	(FTS) 242-5133 (404) 221-5133 Barney Maltby
5	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	230 South Dearborn St. Corr 5PD Chicago, Illinois 60604	(FTS) 353-6045 Robert M. Crowse
7	Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Iowa, Kansas, Missouri, Nebraska	819 Taylor Street Forth Worth, TX 76102	(817) 334-2331 Charles Dorman Thomas
9	American Samoa, Arizona, California, Guam, Hawaii, Nevada, the Trust Territory of the Pacific Islands	525 Market St San Francisco, CA 94105	(415) 974-9086 Diane Kah
10	Alaska, Idaho, Oregon, Washington Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	GSA Center Auburn, WA 98002	(FTS) 396-7547 (206) 931-7547 Kenneth Lindebak

UPDATED 5/30/85

**END**