



BJA Bureau of Justice Assistance Fact Sheet

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Federal Surplus Real Property Transfer Program

Overview

The Federal Surplus Real Property Transfer Program, administered by the Bureau of Justice Assistance (BJA), of the Office of Justice Programs, U.S. Department of Justice, recommends for transfer or conveyance of surplus real properties such as lands and buildings, that are determined by the U.S. Attorney General to be required for approved correctional facility use to State and local governments, **at no cost**.

The program is designed to alleviate State and local correctional facility overcrowding through the transfer of suitable Federal land and buildings to prisons and jails for new construction or renovation. The construction or renovation must be directly related to providing programs for the care and/or rehabilitation of incarcerated criminal offenders.

Background

In response to increasing numbers of violent and drug-related crimes, stiffer sentencing, and the resultant overcrowding of prisons and jails, the U.S. Attorney General's Task Force on Violent Crime recommended legislation in 1981 that would facilitate the transfer of Federal surplus real property to State and local corrections departments. The enabling legislation was enacted in an amendment to the Comprehensive Crime Control Act of 1984, Chapter VII—Surplus Federal Property Amendments, Public Law 98-473, 98 Statute 1837 Title II (adopted October 12, 1984), pursuant to 40 U.S.C. 484 (p). Under this Act, at the recommendation of the Attorney General, the Administrator of the General Services Administration (GSA) is authorized to transfer or

convey surplus real property to States and other units of local government for approved correctional facility use.

The Act also provides for reimbursement of funds paid for any surplus real property that was purchased for approved correctional purposes between March 1, 1982, and October 12, 1984. The Act further stipulates that property conveyed under the program must always be maintained for the purpose for which it was approved. Property no longer used for its approved purpose reverts to the Federal Government.

How the Program Works

Before surplus property can be made available for correctional use under the program, it must pass through several stages of determination. First, the agency that has unneeded Federal real property reports it to GSA as excess property. At that point the property is advertised as being available to other Federal agencies. After a period of time, if the property is not acquired by another Federal agency, it is declared surplus and may be used to serve the correctional needs of State and local units of government.

When a parcel of surplus property becomes available to State and local governments, BJA sends an announcement to State corrections departments, State agencies administering BJA's Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, county authorities, and District Attorneys' offices.

State and local officials interested in obtaining the property must notify BJA within 20 days after the announcement to obtain an application kit that facilitates the acquisition process. After receiving applications for a

property, BJA evaluates each one based on the criteria listed in the following section and then recommends the best-suited applicant to GSA. The time period involved in the approval process for surplus property transfers varies with each property, as does the time period for the actual transfer. Since 1993, approximately 25 properties have been recommended and/or transferred through this program.

If no State or local government expresses interest in a property within 20 days after the availability announcement, GSA is entitled to sell the property.

Criteria for Evaluating Applications

BJA uses the applicant information provided by each State or local official to determine if the proposed property use meets the following criteria for approved purposes under this program:

- The property is required for State or local correctional facility use.
- The correctional use of the property will ease strains on the capacity of existing facilities.
- The property will be used for correctional programs for the care and/or rehabilitation of criminal offenders.
- The correctional programs for the care and/or rehabilitation of criminal offenders are to comply

with national and State correctional standards or any other authority approved by BJA.

- The use of the property for the care and/or rehabilitation of criminal offenders is not likely to endanger the well-being of the public.
- The applicant is, by law or other formal authority, authorized to enter into contracts with the Federal Government for the conveyance of real property.

For Further Information

For additional information about the Federal Surplus Real Property Transfer Program or for informal, telephone technical assistance, contact:

Correctional Programs Branch

Bureau of Justice Assistance

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Bureau of Justice Assistance Clearinghouse

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Rockville, MD 20849-6000

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Bulletin Board System: 1-301-738-8895

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U.S. Department of Justice Response Center

Tel: 1-800-421-6770