

Comments Received on Real Property Status Report

#	Comment Source	Comment	Comment Response
1	Donald Charapich, VA	Thank you for the opportunity to review the Real Property Status Report, and for extending the comment period for the Department of Veterans Affairs to 8/22. The VA Office of Asset Enterprise Management comments that some of the data in the Real Property Status Report are currently reported annually in electronic form to the Federal Real Property Council (FRPC) and suggests that the US Chief Financial Officer Council Grants Policy Committee coordinate reporting requirements with the FRPC; eliminate duplication of effort and reporting systems; and continue using electronic reporting.	The commenter is referring to federal property owned by the government, not real property held by a grant/cooperative agreement recipient in which the government maintains an interest. In those cases the RPSR would not be used. It would only be used by recipients of grants and cooperative agreements, not by a federal agency reporting on real property.
2	HHS	<p>RE: //Supplementary Information: Under Background.// The second paragraph page 4, references OMB Circular A-110 for private non-profits and A-102 for States and local government. The FRN states, "//Recipients may be required to provide Federal agencies with information concerning property in their custody annually at award closeout, or when the property is no longer needed.//" Unless an agency has the statutory authority to collect information annually, agencies with no statutory authority may not be able to use this form for regular reporting, annually or otherwise, until new property standards are issued in Title 2 CFR.</p> <p>Neither circular speaks to annual real property reporting (with the exception of Federally owned property under OMB Circular A-102). OMB Circular A-110, Subpart C .30 states, "Federal awarding agencies shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal statute."</p> <p>It may be premature to issue the form prior to updating the overarching administrative regulations in Title 2 CFR. Since proposed regulations will be undergoing public review and comment, it is possible that definitions and requirements pertinent to real property will be amended in a manner that would conflict with the RPSR form.</p>	<p>The Grants Policy Committee (GPC) is in the process of developing the related policy requirements for the implementation of the RPSR. As a result, OMB has decided to release the report as final at this time, however, agencies are not required to implement the use of the report until the final release of the related property requirements in 2 CFR, Part 45. Agencies that wish to implement the RPSR requirements prior to the finalization of the related requirements in 2 CFR Part 45 may do so, provided they issue related agency or program specific requirements. Such agency or program specific requirements would have to be amended once the final RPSR policy requirements are finalized in 2 CFR Part 45.</p> <p>Same as above</p> <p>Same as above</p>
3	HHS	RE: //Supplementary Information: Under Purpose//. The FRN states: "... to which the Federal government holds an interest as a result of ... real property that was donated to a Federal Project in the form of required match, or cost sharing donation." // This is not true across all Federal Agencies. The response appears to be based on proposed 2 CFR Real Property regulations, which have not been issued. One of HHS' operating divisions does not apply the Federal Interest to non-Federal portion of the project regardless of whether there was a required match or not. The Federal Interest is based on the percentage of the Federal to non-Federal dollars contributed to the construction or major alteration and renovation activities funded under the grant award.	It is true that the policy is based on proposed 2 CFR Real Property regulations. However, any program that has a statute or regulation that conflicts with the RPSR policy would over ride the RPSR policy. The response to comment #2 also applies here.
4	HHS	Agencies should be provided the option to apply this form retroactively to grantees with existing Federal interest in their facilities without having to seek a waiver from OMB.	Agencies have the option to impose the requirement retroactively if they choose to do so via their individual agency implementation of the requirement. However, the reason the requirement is not required to be imposed retroactively is to reduce the impact of the requirement on the recipient community.
5	HHS	The instructions and forms should be clarified to reflect that the RPSR applies to new construction. The term acquisition could be interpreted as applying to purchase only versus constructing a new facility.	The general report instructions have been revised to include an example of the definition of acquisition as follows: "...acquired (i.e., purchased or constructed) in whole or in part under a Federal financial assistance award.

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6	HHS	RE: Page 5, the section listed "For..., A recipient must..., When..." Where possible, HHS recommends referencing the appropriate form attachment to use for reporting. Also, an additional line should be added stating, "The recipient must report to the agency when it has completed disposition of the property. ."	The chart has been revised as requested.
7	HHS	HHS recommends that language be added to the revised Attachment B that ensures grantees will not fill out the Attachment unless they have received specific instructions by the awarding agency.  This will help avoid confusion on the part of grantees who may view Attachment B as a way to request new award funding. Also, the term "furnish" should be defined, as it does imply equipment which may or may not be permanently affixed to real property.	The report instructions have been revised to clarify that attachment B can only be used if the applicable program authority or budget allows recipients to acquire, improve or to be furnished real property. The term "furnish" has been replaced with the terms Government Furnished Property. Note that equipment is covered via the Tangible Personal Property Report.
8	HHS	If an agency already has the authority to request information, such as a detailed floor plan, why would it need to request additional OMB approval?	Once the RPSR is issued as final it may not be modified to meet program specific requirements without first obtaining OMB approval.
9	HHS	It is still unclear if under the situation where an agency already collects this information through other means, such as an electronic system(s), or as part of another OMB approved form(s), would the RPSR //form or format// still be required, or would the other existing collection methods satisfy the RPSR information collection requirement?	Agencies may use electronic systems or formats to collect the information required in the RPSR as long as they are consistent with the data elements contained in the RPSR. However, other real property forms will be required to be discontinued once the RPSR is released as final.
10	HHS	RE: Attachment A, Block 14e. //Owned//: Is this defined as "grantee" owned or "Federally" owned? Can more than one option be checked (such as owned and fee simple)?	The report and instructions have been revised to include Government Furnished Property as an ownership type. If multiple ownership types apply, each applicable type may be checked.
11	HHS	RE: Attachment A, Block 14f. //Beginning date of Federal Interest (MM/DD/YYYY)//:  Is it necessary for grantees to report this information twice since the same information appears to be given in #13. Should #14 be reworded as "Nature of Awarded Project"?	Block 14f. has been eliminated and the check boxes related to, <i>the action the interest is tied to</i> , has been moved to block 13. The numbering of the report and instructions have been revised accordingly. We do not see a need to revise the titles under block 14.
12	HHS	RE: Attachment A, Block 14h. //Has a deed, lien, covenant, or other related documentation been recorded to establish Federal interest in this real property?// If this is a report to be used throughout the period of Federal Interest, shouldn't the grantee have already provided this information before the project is completed and/or before closeout? Doesn't it seem burdensome to ask for this information for each reporting period?	We have revised what is now block 14g. as follows: "...If yes ( <b>unless previously reported</b> ), describe the..."
13	HHS	RE: Attachment A, Block 14j. //Are there any Uniform Relocation Act requirements applicable to this real property?// This question continues to be asked in the present tense when it would only be applicable to some projects at the pre-award stage. How would the grantee answer the question if it was applicable at the pre-award stage but not during the post award stage? Should we consider adding "NA" if this question needs to be addressed by other agencies during the post-award stage.	The RPSR is a post award report so it only applies during the post award stage. This section is used to document whether or not the URA applies to the property, which could potentially change during the award period or during the period under which Federal interest is maintained.
14	HHS	RE: Attachment A, Block 14k. Are there any environmental compliance requirements related to the real property?_ Same as above. Wouldn't this information be more applicable in the pre-award phase?	Same response as above as it relates to environmental requirements.
15	HHS	RE: Attachment A, Block 14l. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is listed or eligible for listing in the National Register of Historic Places?_ Same as above. Wouldn't this information be more applicable in the pre-award phase?	Same response as above as it relates to NHPA requirements.
16	HHS	RE: Attachment A, Block 15. Edit to read: //Has a significant change occurred with the use of real property, // or is there an anticipated change expected during the next reporting period? // The phrase // "...that is not otherwise captured above..."// is unnecessary.	This block of the report and the related instructions have been revised as follows: " <i>Has a significant change occurred with the real property, or is there an anticipated change expected during the next reporting period?</i> "

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17	HHS	RE: Attachment A, Block 16. Real Property Disposition Status: Why is this question regarding "disposition of property" being asked on this form? How would the grantee address the question if disposition is not applicable during the prescribed reporting period? If the question is not omitted, we suggest adding "NA".	This block of the report and the related instructions have been revised to add a check box for "NA."
18	HHS	RE: Attachment A, Block 16. Real Property Disposition Status: <u>  </u> // A. Sold // * <u>  </u> // <u>  </u> // * // B. Transferred to different award // <u>  </u> // C. Used in other Federally sponsored project/program <u>  </u> // D. Transferred title <u>  </u> // E. Retained Title // B. Transferred to different award // : " As allowed by program regulation, 42 CFR 52b.9(c) (1), an institution can transfer the usage obligation to another facility, not another "award" during the required usage period. If "B" is referring to this described situation, it does not appear to be applicable to the "disposition status" and should be removed.	Block 16.B. is intended to cover those instances where the <b>Federal interest</b> in real property is transferred to a different award in accordance with 2 CFR Part 215.32(b).
19	HHS	RE: Attachment C, Block 14f. //Are there any Uniform Relocation Act requirements applicable to this real property?// Recommend deleting this question since it doesn't appear applicable on the "Disposition Request" form.	We did not delete this block because it is intended to provide information regarding real property for which either, a request for disposition instructions or a request for release from the obligation to report would be submitted.
20	HHS	RE: Attachment C, Block 14g. //Are there any environmental compliance requirements related to the real property?// <u>  </u> // <u>  </u> Yes{ // } // <u>  </u> // <u>  </u> No. If yes, describe them (Attach additional sheets if necessary)_ Recommend deleting this question since it doesn't appear applicable on the "Disposition Request" form.	Same response as above as it relates to environmental requirements.
21	HHS	RE: Attachment C, Block 14h. //In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is listed or eligible for listing in the National Register of Historic Places?// <u>  </u> // <u>  </u> Yes <u>  </u> // <u>  </u> No{ // } // <u>  </u> // If yes, describe them (Attach additional sheets if necessary):// Recommend deleting this question since it doesn't appear applicable on the "Disposition Request" form.	Same response as above as it relates to NHPA requirements.
22	HHS	RE: B. Instructions _Related to Attachment A (General Reporting) follows: <u>  </u> //14h.// //Has a deed, lien, covenant, or other related documentation been recorded to establish Federal interest in this real property? // //If yes, describe the instrument used and enter the date and jurisdiction in which it was recorded.* *// //Check either "yes" or "no" to indicate if the documentation has been recorded. // Isn't it burdensome to request this information during each reporting period? Some operating divisions require this information 10 days after the Notice is filed. Therefore, we suggest adding "unless previously reported" at the end of the "Yes" statement.	We have revised the instructions as follows: "...If yes ( <b>unless previously reported</b> ), describe the..."
23	HHS	RE: //Instructions Related to Attachment A.// //14j; 14k, & 14l// As stated before, for many awarding agency projects this requirement is more applicable during the pre-award stage as opposed to the post award stage. Therefore, it is not clear why it is being addressed on this property status report.	The RPSR is a post award report so it only applies during the post award stage. This section is used to document whether or not the URA, environmental or NHPA requirements apply to the property being reported on, which potentially could change during the award period or during the period under which Federal interest is maintained.
24	HHS	RE: Instructions Related to Attachment C (Disposition Request) //Real Property Details: // Perhaps "NA" should be an option on the form. Questions 14f, 14g and 14h have only "Yes" and "No". Shouldn't these questions be deleted due to the nature of the form?  //13b.// //Address of Real Property://  DELETE: //Also, indicate zoning information related to the real property (i.e., mixed use, residential, commercial, etc.)//	Blocks 14f, 14g and 14h are retained because they are intended to provide relevant information regarding the URA, environmental and NHPA requirements related to any property that a recipient would be requesting disposition instructions or requesting a release from the obligation to report. The reference to zoning information in block 13b. has been retained because it requests information that is relevant to the zoning status of property for which a disposition request or a request for a release from the obligation to report is being made.

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25	HHS	RE: //If this is a request for a release from the obligation to report on the real property, describe the reasons for the request.// Is it necessary for a grantee to "request the release from the obligation to report" when a Federal agency's authorizing or appropriation language does not require disposition beyond a prescribed usage period? If not, the form should be revised to accommodate this situation.	Block 15 is provided to document any event that would allow the recipient to request to be released from the obligation to report. In the example provided we believe that the agency and the recipient would benefit from the documentation of the release from the obligation to report, which is accommodated by block 15 of attachment C.
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