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H.R. 404, TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

HEARING

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

H.R. 404

TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE THE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPTERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

JUNE 3, 1997

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H.R. 404, TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

TUESDAY, JUNE 3, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2154, Rayburn House Office Building, Hon. Stephen Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn, Davis of Virginia, Sununu, Maloney, and Davis of Illinois.

Staff present: J. Russell George, staff director and counsel; Mark Brasher and John Hynes, professional staff members; Andrea Miller, clerk; Mark Stephenson, minority professional staff member; and Ellen Rayner, minority chief clerk.

Mr. HORN. A quorum being the present, the Subcommittee on Government Management, Information, and Technology will come to order.

In 1949, the Commission on the Organization of the executive branch of the Government, known as the first Hoover Commission, recommended the creation of an agency, the General Services Administration, to coordinate purchases, utilization, and disposal of real and personal property. The Federal Property and Administrative Services Act of 1949 set forth the rules for the disposal of surplus Federal real estate.

The Federal Property Act created a series of public benefit discounts whereby local government could obtain surplus Federal real estate. Today, we are reviewing a proposal to create a new public benefit. The current categories of public benefits for real property include public health, education, recreation, national service activities, historic monuments, correctional facilities, and shipping ports only in the case of base closure facilities.

H.R. 404, which has been introduced by our colleague, Representative Ken Calvert, would expand the public benefit discount for "correctional facilities" to cover "other law enforcement" and "public safety" activities.

H.R. 404 has resulted from the following: Officials in Riverside County, CA, wanted to place a coroner's office and a law enforcement and fire training academy on surplus Federal property at the March Air Force Base. That surplus property had become available

through the actions of the Defense Base Realignment and Closure Commission. The county would like the land and the buildings for these functions to be made available through one, not two, Federal agencies. Representative Calvert has drafted H.R. 404 to address this and similar situations.

The subcommittee will hear from a number of witnesses who are involved in the administration of public benefit discount programs at some level, including a top official from the General Services Administration.

Senator Dianne Feinstein, the senior Senator from California, will join us to discuss this important issue. She has introduced S. 203, a companion bill to H.R. 404, in the Senate. Representative Calvert, author of H.R. 404, is here today. So is Representative Sonny Bono.

From the administration, we are joined by Gordon Creed. He is Deputy Assistant Commissioner for Property Disposal in the Public Building Service of the General Services Administration.

Also testifying today are two officials from California: Larry Smith, sheriff of Riverside County, CA; and Ascension (Sam) Torres, the chairman of the Joint Powers Authority, a local redevelopment agency set up by the State of California.

Welcome to each of you.

[The prepared statements of Hon. Stephen Horn and Hon. Carolyn B. Maloney, and the text of H.R. 404 follow:]

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"H.R. 404: Authorizing the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes"

June 3, 1997

OPENING STATEMENT
REPRESENTATIVE STEPHEN HORN (R-CA)

Chairman, Subcommittee on Government Management,
Information, and Technology

In 1949, the Commission on Organization of the Executive Branch of the Government (the first Hoover Commission) recommended the creation of an agency, the General Services Administration, to coordinate purchases, utilization and disposal of real and personal property. The Federal Property and Administrative Services Act of 1949 set forth the rules for the disposal of surplus Federal real estate.

The Federal Property Act created a series of public benefit discounts whereby local governments could obtain surplus Federal real estate. Today we are reviewing a proposal to create a new public benefit. The current categories of public benefits for real property include public health, education, recreation, national service activities, historic monuments, correctional facilities and shipping ports (only in the case of base closure facilities).

H.R. 404 would expand the public benefit discount for "correctional facilities" to cover "other law enforcement" and "public safety" activities. H.R. 404 has resulted from the following: Officials in Riverside County, California wanted to place a coroner's office and a law enforcement and fire training academy on surplus Federal property at the March Air Force Base. That surplus property became available through the actions of the Defense Base Realignment and Closure Commission. The County would like the land and buildings for these functions to be made available through one, not two, Federal agencies. Representative Calvert has drafted H.R. 404 to address this and similar situations.

The subcommittee will hear from a number of witnesses who are involved in administering Public Benefit Discount programs at some level, including a top official from the General Services Administration.

Senator Dianne Feinstein will join us to discuss this important issue. She has introduced S. 203, a companion bill to H.R. 404 in the Senate.

Representative Ken Calvert, author of H.R. 404, is here today. So is Representative Sonny Bono. From the Administration we are joined by Gordon Creed. He is Deputy Assistant Commissioner for Property Disposal in the Public Buildings Service of the General Services Administration.

Also testifying today are two officials from California. Larry Smith is Sheriff of Riverside County, California and Ascension (Sam) Torres is Chairman of the Joint Powers Authority, a Local Redevelopment Agency, set up by the State of California.

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BERNARD SANDERS, VERMONT
INDEPENDENT

Hon. Carolyn B. Maloney -- Opening Statement
Hearing on H.R. 404, a Bill to Amend the Federal Property and Administrative Services Act

June 3, 1997

Thank you Mr. Chairman. This afternoon's hearing is on H.R. 404, a bill to amend the Federal Property and Administrative Services Act. This Subcommittee has jurisdiction over that Act and has a long history of overseeing its proper implementation. This bill would authorize the transfer of certain surplus Federal property to state and local governments for use for law enforcement or public safety purposes. The author of this bill, Representative Calvert of California, is here today, along with Representative Bono, to testify on this legislation. Welcome gentlemen.

State and local governments may acquire real estate that the Federal government no longer needs. The Federal Property Act currently allows such surplus Federal property to be transferred to State and local governments at discounts of up to 100% of fair market value. These public benefit discounts can be made for public health or educational uses, public parks or recreational areas, historic monuments, correctional institutions, port facilities, public airports and wildlife conservation.

This bill would add to that list "law enforcement" and "public safety" purposes. While this intention does not seem to be controversial, those terms are very broad and would need to be defined in statute if this measure becomes law. It is my understanding that one of the main beneficiaries of this proposed law would be Riverside County, California, which is interested in acquiring a building on March Air Force base to house police and fire training facilities and a coroner's office. I look forward to hearing from our witnesses from Riverside County.

Thank you Mr. Chairman.

I

105TH CONGRESS
1ST SESSION

H. R. 404

To amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mr. CALVERT (for himself, Mr. BROWN of California, Mr. LEWIS of California, Mr. HORN, Mr. RIGGS, Mr. FAZIO of California, Ms. RIVERS, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

---

A BILL

To amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES.

(a) IN GENERAL.—Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40

1 U.S.C. 484(p)(1)) is amended by striking "required" and
2 all that follows through "offenders as" and inserting
3 "needed for use by the transferee or grantee for a law
4 enforcement or public safety purpose".

5 (b) APPLICATION OF LAW TO PRIOR TRANSFERS AND
6 CONVEYANCES.—Section 203(p) of the Federal Property
7 and Administrative Services Act of 1949 (40 U.S.C.
8 484(p)) is amended by adding at the end the following:

9 "(4) Any real or related personal property trans-
10 ferred or conveyed under this subsection before the date
11 of the enactment of this paragraph may, with the approval
12 of the Attorney General, be used for a law enforcement
13 or public safety purpose.".

○

Mr. HORN. We now call on Representative Calvert to outline the fine piece of legislation he has drafted.

STATEMENT OF HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CALVERT. Thank you, Mr. Chairman. I appreciate your kind introduction, and I appreciate assistance in putting this hearing together today.

First, I would like to thank Senator Feinstein in advance—I understand she will also be here—for helping me introduce the Senate version of this important legislation, and she will be describing that shortly.

I also would like to thank my good friend, Sonny Bono, who I understand will also be here shortly. We share Riverside County together. I represent the west end of Riverside County, and Representative Bono the east end. He is also a member of the House National Security Committee, and he has a special insight, being a former mayor of Palm Springs, as to what it is like to work with Federal levels on the local level, Federal agencies.

The area we share, along with Representative George Brown and Representative Jerry Lewis, is known as the Inland Empire. This part of California has felt the impact of base closures at Norton and George Air Force Bases and the realignment of March to an Air Force Reserve base.

I would like to thank Mr. Gordon Creed from GSA for taking the time to be here and testify in front of the committee. I would like to thank and welcome my close associates from Riverside, CA: Sheriff Larry Smith; Mr. Sam Torres, chairman of the March Joint Powers Commission at March Air Force Base; Debbi Guthrie, a member of the Riverside County Monday Morning Group; and Sergeant Eric Schertell of the Riverside County Sheriff's Department.

Finally, again, Mr. Chairman, I would like to thank you for cosponsoring H.R. 404 and allowing the opportunity to have this hearing today.

Mr. Chairman, this issue first came to my attention as a result of a meeting which took place last year between some of our local community leaders and Mr. Dick Ward, deputy director of operations for the Bureau of Justice Assistance.

I was informed the Department of Justice is prohibited by statute from sponsoring excess Federal property for the purpose of law enforcement and/or public safety training facilities. The agency can only convey surplus Federal properties for prisons. H.R. 404 and its Senate companion, which is authored by our friend, Senator Feinstein—thank you—S. 203, will correct this restrictive language and allow the Department of Justice to apply its considerable expertise to sponsoring the use of excess Federal property for training of law enforcement and public safety officials.

To date, there are over 25 bipartisan cosponsors of the measure in the Congress. As it is currently written, H.R. 404 authorizes the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes.

However, I understand that the General Services Administration has some concerns with the vagueness of the term "public safety." To address their concerns, I have agreed to and intend to support

an amendment that would change the language to state that the bill authorizes the transfer to State and local governments of surplus property for use for law enforcement or fire or rescue or life safety purposes.

Mr. Chairman, this bill is not solely intended for Riverside and March Air Force Base in California. This measure is applicable to all those military bases which are in the process of being closed or realigned. Actually, this change in law would apply to all excess real property, Federal excess real property. Thus, any community in the country could benefit from this improvement in the law. With the possible enactment of a new round of base closures, this bill becomes even more imperative.

I would like to take this opportunity to introduce again Sheriff Larry Smith, who will be testifying soon, and my friend and colleague, Sonny Bono, who joined us, for his help in putting together this important legislation, as I mentioned earlier, in an area that we both represent.

Sheriff Smith is the elected Sheriff of Riverside County and the chief law enforcement authority of the county. He commands California's fourth largest sheriff's department, supervising more than 2,300 personnel. He entered the Riverside County Sheriff's Department in 1966 and started his career as a deputy sheriff in the Blythe, CA, jail and patrol station and has since held each successive rank in assignments across the county.

Sheriff Smith was promoted to chief deputy in 1987 by then Sheriff Cois Byrd and was elected as Riverside County's elected sheriff, winning the office in the June 1993 primary. He holds a bachelor's degree in public management from the University of Pepperdine and has completed graduate work at the University of Southern California. We are proud to have him here today.

Also with us is Sam Torres, my good friend from Perris, CA, who is chairman of the March Joint Powers Commission at March Air Force Reserve Base in California. Mr. Torres was selected chairman in January 1997. In 1991, Mr. Torres was elected to the City Council of Perris, an incorporated city of 31,000 in central Riverside County, which Mr. Bono and I both share as far as representing the city.

As a member of the Perris City Council, Mr. Torres has accepted a number of related responsibilities. He is currently a member of the board of directors of the League of California Cities and held that position since 1996. He is also a member of the Latino Elected Officials Caucus of the League of California Cities and served as president of that caucus in 1993 and 1994. Councilman Torres resides in Perris with his wife of 18 years, Susan, and their children, Jessica and Sammy.

Once again, Mr. Chairman, I thank you and my colleagues and the committee for agreeing to hold this important hearing and look forward to any questions you may have.

[The prepared statement of Hon. Ken Calvert follows:]

STATEMENT BY REP. CALVERT TO THE HOUSE GOVERNMENT REFORM AND OVERSIGHT SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION AND TECHNOLOGY

Thank you, Mr. Chairman.

I would first like to thank Sen. Dianne Feinstein for helping me introduce the Senate version of HR 404.

I would like to thank my good friend and fellow Riverside County resident, Rep. Sonny Bono, a member of the House National Security Committee, for being here and giving us some insight as a former Mayor of Palm Springs on what it is like to work with some of the Federal Agencies on a local level.

The area we share, along with Rep. George Brown and Rep. Jerry Lewis, is known as the Inland Empire.

This part of California has felt the impact of base closures at Norton and George Air Force Bases, and the realignment of March to an Air Reserve Base.

I would like to thank Mr. Gordon Creed from GSA for taking the time to be here and testifying in front of the committee.

I would like to thank and welcome my close associates from Riverside, California...Sheriff Larry Smith, Mr. Sam Torres, Chairman of the March Joint Powers Commission at March Air Force Base, Debbie Guthrie, member of the Riverside Monday Morning Group, and Sgt. Eric Schertell of the Riverside County Sheriff's Department.

And finally, I would like to thank you, Mr. Chairman, for cosponsoring HR 404 and allowing for the opportunity to have this hearing today.

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The agency can only convey surplus Federal properties for prisons.

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Thus, any community in the country could benefit from this improvement in the law.

With the possible enactment of a new round of base-closures, this bill becomes even more imperative.

I would now like to take this opportunity to introduce Sheriff Larry Smith, who will be testifying after my friend and colleague, Rep. Sonny Bono.

Sheriff Smith is the elected Sheriff of Riverside County and the chief law enforcement authority in the County.

He commands California's fourth largest Sheriff's Department, supervising more than 2300 personnel.

He entered the Riverside County Sheriff's Department on August 1, 1966, and started his career as Deputy Sheriff in the Blythe, California jail and patrol station, and has since held each successive rank in assignments across the county.

Sheriff Smith was promoted to Chief Deputy in 1987 by then-Sheriff Cois Byrd, and was elected as Riverside County's elected Sheriff, winning the office in the June 1993 primary.

He holds a Bachelors Degree in Public Management from the University of Pepperdine, and has completed graduate work at the University of Southern California.

Sheriff Smith is the proud father of two children and four grandchildren, and currently resides in the City of Temecula, California.

Also with us is Mr. Sam Torres, Chairman of the March Joint Powers Commission at March Air Reserve Base in California.

Mr. Torres was selected Chairman in January of 1997.

In 1991, Mr. Torres was elected to the City Council of Perris, California, an incorporated city of 31,000 in central Riverside County.

As a member of the Perris City Council, Mr. Torres has accepted a number of related responsibilities.

He currently is a member of the Board of Directors of the League of California Cities and has held that position since 1996.

He is also a member of the Latino Elected Officials Caucus of the League of California Cities, and served as the President of the Caucus in 1993 and 1994.

Councilman Torres resides in Perris with his wife of 18 years, Susan, and their two children, Jessica and Sammy.

Once again, Mr. Chairman, I thank you and my colleagues in the committee for agreeing to hold this important hearing today, and I look forward to any questions you may have.

Mr. HORN. We thank the gentleman very much for appearing.

I am delighted now to welcome the senior Senator from California, one of the hardest working Senators I have known over 50 years and the person who gets our legislation through on the Senate side.

Thank you very much for coming.

STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator FEINSTEIN. Thank you very much, Mr. Chairman. It is good to see you again.

Mr. Chairman, I am very pleased to be able to support House Resolution 404. I would like to thank the two distinguished Members on my left and thank you for doing this.

Obviously, we first learned about this from Riverside, from the Sheriff's Office and from the Reuse Committee. This is rather straightforward legislation. Essentially, what it does for the first time, is really allow local jurisdictions and local law enforcement and fire fighting to obtain land on closed bases for the purpose of training.

As I understand the law now, they cannot receive this land; they have leases. It is my understanding that what the Riverside Sheriff's Department has done is engaged in five 1-year leases for about 350 acres, including a noncommissioned officers academy. They use this for training purposes.

They would like to participate in some private-public partnerships with respect to these training exercises but really cannot do so with any degree of certainty. As you well know, today the Department of Justice can only engage in a land conveyance if it is for a prison facility. Therefore, the Sheriff's Department has to go through a bureaucratic maze with HHS and other departments if they wish to accomplish this.

Now, it seems to me, Mr. Chairman—and I would hope my colleagues on my left would agree—that a major priority of Government is public safety. Law enforcement training and fire-fighting training not only saves the lives of the individuals in the forces, it also saves the lives of the civilian sector. So well trained fire fighters, well trained police officers, well trained deputy sheriffs, are extraordinarily important as a matter of public policy.

I think this conveyance bill would essentially say to local government that you have an opportunity to obtain land on these closed bases. I can tell you, as a former mayor of San Francisco, that many of our law enforcement training programs are in less than suitable circumstances. Three hundred acres is a good chunk of San Francisco. We don't have anything like that. This would mean that land could be conveyed at Alameda Naval Air Station, at Treasure Island, at various closed bases really throughout the United States, to provide for good and positive law enforcement training.

So I am very happy to support this bill. I am introducing a similar bill in the Senate. I am hopeful that you will take the lead and pass it expeditiously, and I will do my best on the other side.

Thank you very much.

[The prepared statement of Hon. Dianne Feinstein follows:]

STATEMENT OF SENATOR DIANNE FEINSTEIN
BEFORE THE HOUSE COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT
REGARDING S.203/HR.404
FEDERAL PROPERTY TRANSFERS FOR
LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES
JUNE 3, 1997

Thank you Chairman Horn and Members of the Committee for inviting me here to testify today. I am here to offer my strong support for HR.404/S.203, the Department of Justice Property Transfer for Law Enforcement or Public Safety Purposes Act that Congressman Calvert introduced in the House and I introduced in the Senate.

HR.404 amends the Federal Property and Administrative Services Act of 1949 to allow the Department of Justice to transfer surplus federal land to local jurisdictions for law enforcement use or firefighter training. Right now, the Justice Department can only transfer property for prison facilities.

The need for HR.404 and S.203 was brought to my attention by the Sheriff's Department of Riverside County and the March Air Reserve Base Joint Powers Authority. It is straight-forward legislation that gives local reuse authorities and other local government entities the ability to obtain property permanently for critical public safety use priorities.

In the Fall of 1996, the Sheriff's Department obtained 365 acres at March Air Reserve Base via an interim lease through the Joint Powers Authority with the Air Force. This leased property includes open training areas, the former Non-Commissioned Officers Academy at March, and the former March AFB hospital. The Clark Training Center provides integrated law enforcement, public safety, and rescue training for the Riverside County's Sheriff Department and Fire Department.

The interim lease for the Clark Training Center is very restrictive. It is a one-year lease that is renewable for 5 years. Operating under these limited terms obstructs the Sheriffs Department's ability to enter into public/private partnerships to train both firefighters and electrical utility workers for electricity line fires and public/public partnerships with other state and federal law enforcement organizations. The ability to quickly transfer this property via a no-cost public benefit conveyance would open the door to these joint training opportunities.

Unfortunately, this public benefit transfer has been difficult to obtain, and the Sheriff's Department and the local reuse authority continue to have little success navigating the bureaucratic maze of currently available transfer options.

After contacting who they thought would be the conveying authority for this property, the Department of Justice, the Sheriff's Department was told that the Justice Department

could only convey property for prisons. Instead, they were told to apply with the Department of Education and the Department of Health and Human Services. Transferring property under these regulations are at best problematic and at worst cost prohibitive. I understand that the Sheriff will fully describe the details of these shortcomings.

Our law enforcement and public safety officials will benefit immensely from the flexibility that this legislation provides. While continuing to allow prisons to be built, this legislation provides communities with the options they need to create valuable law enforcement training facilities, fire fighting academies, or whatever law enforcement training suits an area's particular need.

The one thing communities need after a military base closure is the flexibility to reuse bases to fulfill their greatest local needs. Law enforcement training is a major and critical function of local government. Conveying this land directly to a

county for this purpose allows the county to use its limited resources for capital improvement and minimizes the bureaucratic hassles.

I urge the members of this committee to support Congressman Calvert's legislation. Those communities affected by base closures deserve all options to facilitate successful reuse.

Mr. HORN. Good. We thank you for coming over, and we appreciate the time, and we thank you for that excellent staff you have.

I see Menda sitting in the front row over there. We are very lucky people when we have staff people like you have.

Senator FEINSTEIN. Thank you. That is very much appreciated. Thank you.

Mr. HORN. Thank you very much.

I am now delighted to call on my colleague who represents one part of Riverside County, CA, Representative Sonny Bono, who will make his supporting statement on behalf of this bill.

STATEMENT OF HON. SONNY BONO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BONO. Thank you, Mr. Chairman. Thank you for this hearing today. I appreciate it.

I want to thank Ken Calvert for writing this legislation and Senator Feinstein for similar legislation and for taking the time to go and observe this and understand it clearly and to explain it the way she has. She has really said it all.

I guess to reiterate somewhat, I think her point was that if we turn these kind of things over to bureaucracy, having the opportunity to have a training center like this, where we can focus so directly on law prevention and fire safety and do it so well, and have a pilot program that could go across the Nation like this and not be interfered with by bureaucracy, because we all know that a bureaucracy would get involved, start dictating the terms, and the whole thing would fall apart and become a frustrating, unfortunate circumstance.

However, I was fortunate enough to visit this site. It is running so efficiently, so effectively, and doing so well, that now Los Angeles Police Force wants to become part of it. It is a pilot program that can go across the Nation and be a winner for us all.

So I wholeheartedly support this legislation. I wish you could all see how effectively it runs and how it is not interfered with by complicated bureaucracy, and it leaves it up to the local government and the local areas to handle it and work an area that they know well and works best.

So I hope you see fit to approve this legislation. Again, I want to thank Ken Calvert for being so active in writing this and Senator Feinstein. I support it wholeheartedly.

I thank you.

[The prepared statement of Hon. Sonny Bono follows:]

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Statement of Rep. Sonny Bono (R- Palm Springs)
Federal Property and Administrative Services Act Hearings
House Committee on Government Reform and Oversight
Subcommittee on Government Management, Information and Technology

Mr. Chairman, it is a pleasure to have this opportunity to address your subcommittee. I compliment you on holding this hearing, since we all know that the Committee is very busy these days. I am especially happy to speak today as a Member of the House Judiciary and National Security Committees, since the underlying issue involves the needs of law enforcement while our military infrastructure is being transformed.

Since joining Congress, I have received a tremendous education in the way that government operates. Often, I explain to people how I first started in public service. It began several years ago in Palm Springs when I ran into the bureaucracy while I was trying to get the necessary permits to do some work on my home. Running into that bureaucracy was what prompted me to run for Mayor. In office, I tried to eliminate bureaucracy at the local level. Yet, our community continued facing bureaucratic obstacles from the higher levels of government.

People talk about the "peace dividend." As you well know Mr. Chairman, in our home state, the last round of military base closings had a devastating impact, both financially and in morale. Thousands of people lost jobs and veterans have had their benefits reduced. I can assure you that Californians are certainly in search of that mysterious "peace dividend." Our local law enforcement people in Riverside thought they found it. They had a terrific idea of creating a world-class training facility for Southern California. Little did they know what was waiting for them.

In the process of applying for a portion of the March Air Force Base land and property, these fine officers got a dose of bureaucracy that is typical of Washington. They learned that applying though the agencies can take years and years. However, there is no certainty available in the process. There is zero certainty that they will be successful as their application moves through the current channel at the Department of Education. Even from the start of the application, which can be costly, there is no guarantee that applicants are dealing with the right agency.

In my view, this application procedure should be simple. The federal government has property that they have actively decided will not be used for our military defense. Now, we have law-enforcement needs that must be met. The federal bureaucracy in this area is huge, costly, time-consuming and full of mystery.

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Unfortunately, this is making this well-intended transfer nearly impossible to complete.

Today, my purpose is not to explain all of the complexities of this process. I definitely do not have the time available to walk all of us through that. Instead, I am here to support the legislation (H.R. 404) of my friend and colleague, Rep. Ken Calvert (R- Riverside), that would allow the Department of Justice to sponsor this transfer application. I am assured that this new authority would help facilitate the application and allow the law-enforcement training center project to proceed. I hope that I can emphasize that this center would greatly benefit all the people of southern California and ensure the public safety.

In closing Mr. Chairman, I want to re-emphasize one point. Congress has a responsibility to help secure the public safety, not to sanction bureaucratic obstacles blocking it. I urge you take up Representative Calvert's bill, H.R. 404, and help us get the facilities we need in southern California.

Again, I thank you for holding this hearing this afternoon, providing me this opportunity to testify and praise you for your attention to this legislation.

Mr. HORN. We thank you very much for coming.

If there are not other comments from the two Representatives, we will move to panel two, which will be the Honorable Gordon Creed, deputy assistant commissioner, Public Building Service, General Services Administration.

Mr. Creed, I think you know the routine with the Government Reform and Oversight Committee. If you will, Mr. Creed, just stand and take the oath.

[Witness sworn.]

Mr. HORN. The clerk will note that the gentleman confirmed the oath.

Please proceed.

STATEMENT OF GORDON CREED, DEPUTY ASSISTANT COMMISSIONER, PUBLIC BUILDING SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. CREED. Thank you, Mr. Chairman, and Members.

I am Gordon Creed, the deputy assistant commissioner of the Office of Property Disposal in the Public Building Service of the General Services Administration.

I am pleased to have the opportunity to appear before you today to discuss House Resolution 404, a bill which would amend the Federal Property and Administrative Services Act to authorize the transfer to State and local governments of certain surplus property if used for law enforcement and public safety purposes.

I note that Congressman Calvert's comment made earlier is a step in the right direction with regard to the public safety issue that I had raised in the testimony I had submitted for the committee.

I would like to continue with my testimony, because there is a lot of misunderstanding as to the descent and distribution of property owned by the public both through the Government and as it becomes available for reuse by State and local communities.

The Federal Property Administrative Services Act, which we generally refer to as the Federal Property Act, is the governing authority for the disposal of most Federal real property. Under the Federal Property Act, GSA is invested with the responsibility for administering an economic and efficient system for the orderly disposition of real property which the Government no longer needs.

Under normal procedures, real property which is no longer needed by a Federal agency is reported to GSA as excess real property. GSA first notifies other landholding Federal agencies that such property is available for further Federal utilization. If we receive a properly justified request for further use of the property for further Federal purposes, it is then transferred to the requesting agency. Such transfers among Federal agencies fulfills the congressional objective stated in the Federal Property Act which is to minimize executive agencies' expenditures for the acquisition of property through the efficient and effective utilization of excess property.

If there is no further Federal requirement for a property, it then becomes available for disposal as surplus real property. Under existing provisions of law, eligible State and local government units and certain nonprofit institutions may acquire surplus real prop-

erty for restricted public purposes at monetary discounts of up to 100 percent where such purposes reflect the highest and best use of the property.

Eligible public uses include public parks and recreation, historic monuments, public airports, public health, public education, port use, correctional facilities, highways, and wildlife conservation.

In accordance with the requirements of the Stewart B. McKinney Homeless Assistance Act, property—Federal properties determined suitable by the Department of Housing and Urban Development are also made available for homeless assistance on a priority basis by GSA in coordination with the Department of Health and Human Resources. State and local public bodies may purchase surplus real property by negotiated sale at fair market value for unrestricted use.

Property which is not transferred for public purposes to non-Federal public bodies is generally offered for sale to the public by GSA through competitive bid offerings and public auctions. Such sales benefit the locality by placing the property in productive use, returning it to the tax rolls, and providing the taxpayer a measure of cost recovery. Proceeds from the sale of surplus real property are generally placed in the Land and Water Conservation Fund, which is administered by the Department of the Interior, and in turn provides grants for local park and recreational projects.

In every decision involving the disposal of excess property, we are required by law to consider the environmental and cultural impacts resulting from proposed dispositions in accordance with the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, and other relevant statutes.

Hence, the GSA real property disposition process involves the full participation of the public, the State and local government, and Federal agencies.

GSA has not taken a formal position on H.R. 404 which seeks to amend section 203(p) of the Federal Property Act by expanding the qualifying public purpose from correctional facilities purposes to law enforcement and public safety purposes. My comments therefore are technical in nature.

The Federal Property Act was amended in 1984 to add section 203(p) in response to a recommendation made by the Attorney General's Task Force on Violent Crime. The task force concluded at that time that State and local governments were in need of additional resources to reduce prison overcrowding, and the conveyance of surplus real property for this purpose was seen as a means to help correct this problem.

The rest of my testimony with regard to the correctional facility purposes and to the public safety purposes I think was addressed earlier by Congressman Calvert, where he suggests that the term "law enforcement and public safety" would now read "law enforcement and/or fire and rescue purposes." I think that is more clear of an intent by Congress for purposes of administering this amendment to the Federal Property Act.

Mr. Chairman, this would conclude my statement. I would be pleased to respond to any questions you and the other members of the subcommittee may wish to ask.

[The prepared statement of Mr. Creed follows:]

Mr. Chairman and Members of the Committee:

I am Gordon S. Creed, Deputy Assistant Commissioner of the Office of Property Disposal, Public Buildings Service, General Services Administration (GSA). I am pleased to have the opportunity to appear before you today to discuss H.R. 404, a bill which would amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property if used for "law enforcement or public safety" purposes.

Before addressing the issues of this legislation, I will briefly discuss the processes which govern disposal operations.

The Federal Property and Administrative Services Act (the Federal Property Act) is the governing authority for the disposal of most Federal real property. Under the Federal Property Act, GSA is vested with the responsibility for administering an economic and efficient system for the orderly disposition of real property which the Federal Government no longer needs.

Under normal procedures, real property which is no longer needed by a Federal agency is reported to GSA as *excess* real property, GSA first notifies other landholding Federal agencies that such property is available for further Federal utilization. If we receive a properly justified request for further use of the property for Federal purposes, it is transferred to the requesting agency. Such transfers among Federal agencies fulfill the Congressional objective, stated in the Federal Property Act, to minimize executive agency expenditures for the acquisition of property through efficient and effective utilization of excess property.

If there is no further Federal requirement for a property, it then becomes available for disposal as *surplus* real property. Under existing provisions of law, eligible State and local governmental units and certain nonprofit institutions may acquire surplus real property for *restricted* public purposes at monetary discounts of up to 100 percent where such purposes reflect the highest and best use of the property. Eligible public uses include public parks and recreation, historic monuments, public airports, health, education, ports, correctional facilities, highways and wildlife conservation. In accordance with the requirements of the Stewart B. McKinney Homeless Assistance Act, Federal properties determined suitable by the Department

of Housing and Urban Development are also made available for homeless assistance on a priority basis by GSA in coordination with the Department of Health and Human Services.

State and local public bodies may purchase surplus real property by negotiated sale at fair market value for *unrestricted use*. Property which is not transferred for public purposes to non-federal public bodies is generally offered for sale to the public by GSA through competitive bid offerings and public auctions. Such sales benefit the locality by placing the property in productive use, returning it to the tax rolls, and providing the taxpayer a measure of cost recovery. Proceeds from the sale of surplus real properties are generally placed in the Land and Water Conservation Fund which is administered by the Department of the Interior and provides grants for local park and recreational projects.

In every decision involving the disposal of excess property, we are required by law to consider the environment and cultural impacts resulting from proposed disposition in accordance with the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966 and other relevant statutes. Hence, the GSA real property disposition process

involves the full participation of the public, state and local government, and Federal agencies.

GSA has not taken a formal position on H.R. 404 which seeks to amend section 203(p) of the Federal Property Act by expanding the qualifying public purpose from "correctional facility purposes" to "law enforcement and public safety purposes." My comments, therefore, are technical in nature. The Federal Property Act was amended in 1984 to add section 203(p) in response to a recommendation made by the Attorney General's Task Force on Violent Crime. The Task Force concluded at that time that State and local governments were in need of additional resources to reduce prison overcrowding, and the conveyance of surplus real property for this purpose was seen as a means to help correct this problem.

In this context, the term "correctional facility purposes" is easily understood as a qualifying public purpose for the acquisition of facilities under the Federal Property Act. The term "law enforcement", while new terminology, is still directed enough to be easily defined as a qualifying purpose under the Federal Property Act. However, the term "public safety" could conceivably include many, if not most municipal functions from trash collection to hazardous substance control. Therefore, I would recommend

that this legislation clearly define the term "public safety" as a qualifying purpose, because as written the language could result in generating unintended numbers of applications for surplus real property which could directly compete against equally meritorious applications for other public benefit programs.

Mr. Chairman, this concludes my statement. I will be pleased to respond to any questions you or the other members of the Subcommittee may wish to ask.

Mr. HORN. Well, I thank you very much for that very thorough background as to the role—the extent of surplus property and GSA's role in it. Your testimony did raise a number of general questions.

The program agencies sponsor land conveyances for these public benefit discounts. What sort of oversight is performed by these various program agencies to ensure that the property transferred was not put into another unapproved use or sold? Does GSA have any role in this oversight and whether from a survey standpoint, coordination, providing guidance—how do you work that process?

Mr. CREED. Within Title II of the Federal Property Act, different executive agencies have the right to dispose of surplus real property for a particular public use, and those agencies are also required to monitor the use of the property for its compliance of the public purpose.

With regard to the General Services Administration, we are charged by statute to monitor and comply the conveyance of properties for correctional facility use and for fish and wildlife use.

We have a compliance program that goes region to region and identifies on a regular basis properties to be visited, surveys the intended use or the actual use of the property, and ensures that the property is not being appropriated to a nonapproved use in violation with the terms and conditions in the deed.

Where the property has been found to be in noncompliance, generally the agency—in this instance, the GSA—would request for the property to be reverted.

The Department of Education has a compliance program. The Department of Health and Human Services has also a compliance program, as does the Department of Interior.

GSA generally meets with the other executive agencies and coordinates to find and apply best practices where, for example, if there is one State that may have several different properties, it might be best practices today to have one surveyor to go and review all public benefit conveyances rather than have five agencies go for five different times for five different purposes. We are looking to try to re-engineer our approach to meet the best practices of the industry as if we were a corporation.

Mr. HORN. Is there a certain timetable GSA has on which they try to see what has happened to this disposed property that became surplus?

Mr. CREED. We have a regular 5-year plan where, in 5 years, all properties will have been completely surveyed. So it would not be once; it would probably be 20 percent per year for 5 years, to have a total review for compliance purposes, and then the sixth year we start over.

Mr. HORN. Is that a GSA-paid official, or consultant, or appraiser, or however one might contract?

Mr. CREED. Generally, the Office of Property Disposal will try to identify properties within an area when a real estate specialist is going into an area to review property that is being reported excess by an executive agency, to also use the trip as a two-fer, meaning they will not only visit a particular military base or Coast Guard facility, but if there is also additional property in the area, to use that occasion, those costs incurred for that trip, to try to get extra

mileage by going and also checking on compliance of other properties.

In essence, they will try to find the shortest path here for purposes of compliance.

Mr. HORN. Do you have an estimate of how many properties GSA has that they would have to look at 20 percent a year, let's say, over a 5-year period, to cover the number, and you would have even more at the end of that 5-year period?

Mr. CREED. Well, for the General Services Administration, we would be reviewing only two categories of conveyances, for fish and wildlife and for correctional facility. We have those numbers, and I would be happy to provide those to the committee.

Mr. HORN. If you have them with you right now; do you?

Mr. CREED. No, sir, I do not.

Mr. HORN. We will put them in the record then at this point.

How many reversions of property have you had because it didn't meet the intended use for which the property was given to a nonprofit or local government or whatever?

Mr. CREED. I do not have the actual numbers, but I do know of instances where the Government has conveyed property and the property has not been placed in or maintained for the intended use, and therefore there was a requirement that the Government revert the property, bring the property back for further redeployment. I do know of instances where that has occurred. I will be happy to provide that additional information to the committee.

Mr. HORN. Sure. Without objection, it will be included at this point in the record.

As I understand it, some of the public benefit discounts are to be used in perpetuity, recreation as one example. So that wouldn't be just a 5-year matter. You are saying you would—we are looking at the fish and wildlife to see proper usage there, and you are also looking at correctional facilities.

Mr. CREED. Yes.

Mr. HORN. Now, is that because they are primarily in your jurisdiction? Correctional comes under Justice, doesn't it?

Mr. CREED. That is correct. But under the Property Act, the deed is executed by the administrator. The Department of Justice's role is to review the application of use, and then GSA's role is to continue for the compliance.

Mr. HORN. If the Department of Education gives a public benefit for education, is the Department of Education supposed to go out and look to see that that school or whatever happened on that property is still there every 5 years, or is GSA supposed to do that?

Mr. CREED. It would be the Department of Education.

Mr. HORN. See, I guess part of me says why doesn't GSA run this whole surplus property operation, get the advice of the relevant Cabinet Department, but where you have a conflict between two Departments or a nervousness that they are not carrying out the law—let's say Education is arguing over, is law enforcement training really an education kind of thing?

Now, I happen to be an educator. I have spent 18 years of my life as a university president and 18 years of my life as one of the founders and later as chairman of the board of the National Insti-

tute of Corrections. So I spent a lot of time on correctional problems.

The fact is that the law enforcement training, or the deputy sheriffs or police in an area, and the role of correctional training, there is a lot of overlap, there is a lot of educational content in these courses, and I don't know why we can't have the agencies give you advice and, if there is some difference, GSA has the final say on behalf of the Federal Government.

It seems to me that was the vision of GSA, was to get one group that you could hold accountable for the stewardship of Federal surplus property. I would just ask, what do you think about that?

Mr. CREED. In the spirit of re-engineering, we always find that there are economies of scale to be recognized where activities are combined. So as to whether this might be a more efficient way, it very well may be, yes.

Mr. HORN. It just seems to me you are the specialists in property usage. It seems to me if somebody is going to be an objective source as to whether this property has been used in accord with the actual benefit given to it, that GSA could imply some consistency across the board and would also be able to handle the reuse of that property if it has been misused, both the reversion, the advertising, and going around maybe the same priority system. You would have to go around when you were giving a public benefit the second time.

But I would think in terms of the administration, with the President's goal to have 100,000 police and/or deputies on the streets to help reduce the level of violence and improve law enforcement in this country, that the application of this area for law enforcement training would be right in line with what the administration is trying to encourage.

Do you feel that way?

Mr. CREED. I believe that the property could lend itself toward the potential reuse being sought here by the Riverside County, yes, sir.

Mr. HORN. They are also running into a problem in terms of the coroner function. I happened to head a university that had a very distinguished criminal justice program and forensic program in the chemistry department working for criminal justice, and I can assure you, in training of police and in training of deputy sheriffs, if they are to be properly trained, there is a role for what the coroner does. And if it is right there, handy, young, or newly sworn-in recruits can see what a coroner does and understand that.

A lot of court cases, as we know recently, have been lost by the inability of either the law enforcement personnel or the coroner's staff to be able to state the case in simple English to a jury. I would think that this shouldn't be something that we say, gee, sorry, we can't do it. And you are not saying it, it is another agency that conceivably is saying it, but we have got to look at these in a broader context, because they are related, they are not something 180 degrees apart. They are something that any progressive training program ought to utilize. At least as I read this file, that is what struck me.

What is wrong with the coroner using the facilities and also having law enforcement training and still correctional facility, whatever?

Mr. CREED. What GSA has attempted to do over the last few years is to be more flexible with the local communities. Where a local community has applied for property for public education use and found that, due to circumstances beyond their control, it is not feasible to continue to use the property, in the past GSA would require that the property revert back to the Government.

We found this was frustrating much of the local community, when the community would come and say, "We could have applied for it as a historic monument, but we selected public education. We are very sorry we made the wrong choice."

Our policy today is to allow the transfer of restrictive covenants from a particular property to another qualifying public benefit discount conveyance. Therefore, we would allow the grantee, generally the city, to remain the owner of the property. They would retain possession of the property. Rather than the property being restricted for one particular use, we would allow it to be changed, and therefore not upset the intent and the spirit of the community to redeploy for its true purposes, which were not clear at the application process.

Yes, you are absolutely correct, forensic science, it could be public health type purposes very clearly, but then again it is also combined with educational purposes, public education. In fact, there might even be a hybrid. This is one of the areas that does cause some frustration for a local community to select between option A or option B. These are the available options. Sometimes A doesn't fit.

Mr. HORN. I think you are absolutely right. Does your statue, according to your general counsel, need a liberalization so you can cross over these categories and not have to feel that it is either/or, but it is both/and?

Mr. CREED. I could obtain an opinion of counsel and provide that for the committee if that would help.

Mr. HORN. If it isn't too much trouble, I would like to clarify that. We will put it in the record at this point without objection. I think that would be very helpful, not that we like to reopen a lot of statutes, but you have a lot of experience now since the Hoover Commission dealing with surplus Federal property. It seems to me if it would give you the flexibility you need to be carrying out the spirit of the law and to turn it over to public entities which are higher on the running than just putting it up for auction, unless they are going to turn it into a parking lot or a mall or something. But it just seems to me you need that flexibility. So if there is a problem here, I think we ought to know about it and try to make a change, as suggested by GSA.

Mr. CREED. We will prepare that.

Mr. HORN. Very good.

Mr. CREED. Request to the counsel's office and have them promptly respond back to the committee.

Mr. HORN. Thank you. I now yield time to the gentleman from Illinois, Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman. Let me say, first of all, you certainly have a way of attracting Californians. I thought for a moment that I was out West and everybody from California was here.

Mr. HORN. Let me say to the gentleman, on voting day we wish we were in Chicago.

Mr. DAVIS OF ILLINOIS. Thank you very much. Mr. Creed, is this legislation necessary, or could the purpose be served under the existing base realignment and closure laws?

Mr. CREED. That is a very good question. Under the Base Closure and Realignment Act, the Administrator of General Services was required to delegate his authority to the Secretary of Defense. There is no present provision that provides for the conveyance of surplus real property for law enforcement purposes.

There is one additional authority that under BRAC, Base Closure and Realignment Act, that was given by Congress to the Secretary of the Department of Defense, and that is the authority to convey property for economic development purposes. I think they are called EDC, economic development conveyances.

Generally, as I understand the EDC process, the properties that are available for such conveyances must be for job creation and to stimulate the local economic development because of the economic conditions created by the military closure of an installation.

I don't know whether the Department of Defense would view the intended activities at this subject property to qualify for economic development purposes. So there may be a big question mark there as to whether the properties could be conveyed under DOD's authority. Therefore, it comes back to is there another provision to provide for the conveyance of property for law enforcement. No, there is not, not in the Property Act. There is for public education, there is for public health, but, no, there is not for law enforcement purposes.

Mr. DAVIS OF ILLINOIS. How much property are we talking about now? How big?

Mr. CREED. At March Air Force Base?

Mr. DAVIS OF ILLINOIS. Yes.

Mr. CREED. I have some facts, but I think probably Sheriff Smith may have more accurate facts than me. I believe it may be 300 acres for one parcel and another parcel with a hospital complex is 25 acres approximately.

Mr. DAVIS OF ILLINOIS. And is all of it being proposed to be used?

Mr. CREED. I am not certain with regard to the proposal for reuse. The legislation as drafted is generic legislation, it is not site-specific, so what portion would be eligible for conveyance under this authority, that decision has not been made.

Mr. DAVIS OF ILLINOIS. OK. In sub-paragraph 4, there is an unusual retroactive provision which suggests that a property previously transferred for use as a correctional facility could, with the approval of the Attorney General, be transferred to a different public entity for use in a law enforcement or public safety purpose.

Would you have any opinion about this provision?

Mr. CREED. Not at this time.

Mr. DAVIS. So actually it is just simply suggesting that as long as it is for law enforcement use, it does not really matter which entity has it, or if it is found that a different entity could use it for the same or similar purposes, then the act would still be in force. Is that sort of the understanding?

Mr. CREED. We have not looked at that provision as to the scope of its implementation. It appears to provide some flexibility for properties that had previously been conveyed for a correctional facility, may now be conveyed or by reformation made to allow for law enforcement purposes.

Mr. DAVIS OF ILLINOIS. The center has already been established. That is, the training center has already been established at the base and plans are being made now, I understand, for police and fire stations and a coroner's office. Do you know what this does to the value of the land or the value of the facility itself?

Mr. CREED. I am sorry, could I ask you to repeat the question?

Mr. DAVIS OF ILLINOIS. The training center has already been established and I understand that plans are being made to police and fire stations and a coroner's office. I guess my question was just simply, do you have an idea of what this does for the value of the property?

Mr. CREED. No. 1, I don't know what the value is of the subject property at March Air Force Base. If we were to obtain an appraisal, I think those matters would be addressed by the appraiser as to any in-place use for such purposes as to how the property would be valued with these types of improvements and activities in place. But I wouldn't know at this time.

Mr. DAVIS OF ILLINOIS. I think it is a tremendous use actually of the property. I think it is a creative way of making use of property which otherwise in all likelihood may very well be fallow. So I certainly commend the authors of the legislation and wish I had been a cosponsor. Thank you very much, Mr. Chairman.

Mr. HORN. We certainly can add you to the bill. I am sure the gentleman from part of Riverside County will be delighted to file the appropriate form, as soon as we are in session.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Mr. HORN. I agree with you on that. I thought for a while you were going to say there goes the neighborhood. I mean, is it the coroner or what, in terms of having any residential housing out there? But, I don't know. It just seems to me that this makes a lot of sense.

Does the gentleman from New Hampshire have any questions?

Mr. SUNUNU. No.

Mr. HORN. We thank you very much for coming. Mr. Creed, can you stay with us for a while as we have the third panel? Just keep your seat there. We will have the third panel up, and if questions come up, it is an easy way to resolve things.

Panel three, Mr. Torres, Mr. Smith, accompanied by Mr. Schertell. I will introduce you individually once you have started testifying.

Gentleman, we have a tradition on this committee of taking the oath for all witnesses except Members of Congress.

[Witnesses sworn.]

Mr. HORN. The clerk will note that all three witnesses have affirmed. We will just follow the agenda we have laid out here, where we will have first Ascension Sam Torres, the chairman of the Joint Powers Authority. You might explain to us, Mr. Torres, how that works in relation to this surplus property.

STATEMENTS OF ASCENSION (SAM) TORRES, CHAIRMAN, JOINT POWERS AUTHORITY; LARRY SMITH, SHERIFF, RIVERSIDE COUNTY, ACCOMPANIED BY ERICK SCHERTELL, SERGEANT AND LEGAL COUNSEL, RIVERSIDE COUNTY

Mr. TORRES. Thank you very much, Mr. Chairman, and thank you, members of the committee, for allowing us to come here and testify on behalf of the Sheriff's Department and explain a little bit about March Joint Powers Commission and its support of H.R. 404.

As was already stated, the March Air Force Base was closed as a result of a 1993 BRAC action. When it was announced in 1993, the JPA was formed through the agencies, the surrounding political entities of the county of Riverside, the city of Riverside, the city of Moreno Valley, and the city of Perris. We formed, agreed, there were equal voting shares on this commission. Unlike some of our local fellow redevelopment agencies, we agreed, we formed, and we moved forward.

The planning process included a screening of the surplus properties, as I stated earlier, for the priority use by other DOD agencies, Federal departments and homes assistance providers. When this was completed, the land and buildings that were not claimed by any of these eligible entities were then analyzed for community reuse, and at the March Air Force Base, the March Joint Powers Commission approved a master reuse plan that has become the guiding policy for the conveyance of the surplus policies.

During this planning process, the 1994 Riverside County Sheriff's Department presented a proposal to the JPC to use the existing noncommissioned officers academy as a public safety training center. This proposal was embraced by the community and by the JPC, and subsequently we approved and supported the 365-acre site which was identified. This, I believe, was the site of the training facility, and doesn't include the hospital itself, which I believe was pretty actively stated was approximately 20 acres. That is now the Ben Clark public training facility, which promises to be a model for training of fire and safety and police officers.

In regards to the property conveyance, disposition of surplus Federal property can be accomplished via a number of different conveyance methods. When public use of the property is planned, the most expedient and cost-effective method for transferring ownership is through a public benefit conveyance process.

The proposed new owner applies either to the current owner of the surplus Federal property, in this case the Air Force, or through some sponsoring Federal agency. Although the creation of the public training center is a unique opportunity, there is currently no sponsoring Federal agency that has been given the authority to convey the property for the specific use.

The March Joint Power Commission supports the Riverside County Sheriff's Department for receiving a PBC transfer of the proposed site for permanent use as a public safety training center.

As a solution, we support H.R. 404 as that method of conveyance that would allow the sheriffs to take over the property. The Sheriff's Department now does occupy a portion of the site and the training of fire fighters and police officers is occurring at March Air Force Base. The Joint Powers Authority needs your help to make this a permanent asset to law enforcement in southern California.

In the process, the training center becomes a fine example of the local community taking advantage of an unfortunate base closure.

The result is a win-win situation that should be supported in any way possible. We urge your adoption of H.R. 404.

Again, for us as a local reuse authority that has been charged over the last 4 years to find a suitable use for this property, it is for us a model to demonstrate not only to the local communities, but I think nationally an effective way of reuse of disposed property. We wholeheartedly support the Sheriff's application and will continue to be here to answer any questions or any specific questions to March Air Force Base, the Joint Powers Commission and its role in this process.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Torres follows:]

TESTIMONY

House Government Reform and Oversight Subcommittee on Government Management, Information, and Technology

DATE: June 3, 1997

TO: Representative Steve Horn (R), Chairman
FROM: Chairman Ascencion Torres, March Joint Powers Commission

SUBJECT: **SUPPORT FOR H.R. 404**

Good afternoon. My name is Ascencion Torres, and I am the Chairman of the March Joint Powers Commission in Riverside County, California.

The March Joint Powers Authority, which is officially recognized by the Department of Defense as the "local redevelopment agency" for the realignment on March Air Force Base, is here to testify in support of H.R. 404.

Background:

March Air Force Base was announced for realignment by the Base Realignment and Closure Commission in July 1993. The March Joint Powers Authority (JPA) was subsequently formed to plan for the reuse and the economic development of properties that were declared surplus at March Air Force Base.

This planning process included "screening" of surplus properties for priority use by other DOD agencies, federal departments, and homeless assistance providers. When this was completed, the land and buildings that were not claimed by any of these eligible entities were then analyzed for community reuse. At March AFB, the March Joint Powers Commission (JPC - the governing body of the JPA) approved a "Master Reuse Plan" that has become the

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guiding policy document for the conveyance of the surplus properties.

During this planning process, in 1994 the Riverside County Sheriff's Department presented a proposal to the JPC to use the existing "Non-Commissioned Officers Academy" as a public safety training center. The proposal was widely embraced and supported, and by 1996 the buildings plus a 365-acre site was identified. The Air Force Base Conversion Agency (AFBCA) approved an interim lease to the JPA for that property, and the JPC then leased the property to Riverside County. The result of these actions is the "Ben Clark Training Public Safety Training Center" which promises to be a model for the training of fire safety and police officers.

Property Conveyance:

The disposition of surplus federal property can be accomplished via a number of different conveyance methods. When public use of the property is planned, the most expedient and cost-effective method of transferring ownership is through a "public benefit conveyance" (PBC) process. The proposed new owner applies either to the current owner of the surplus federal property (in this case the Air Force) or through some sponsoring federal agency. Although the creation of the Public Safety Training Center is a unique opportunity, there is currently no sponsoring federal agency that has been given the authority to convey property for this specific use.

The March Joint Powers Commission supports Riverside County (Sheriff's Department) receiving a PBC transfer of the proposed site for permanent use as a public safety training center.

H.R. 404:

As a solution to this problem, the JPA has joined the Riverside County Sheriff's Department in its support of HB 404. This bill, which expands the authority of the U.S. Department of Justice to transfer surplus properties under a PBC, would then accommodate the needs of the Department and implement the policy recommendations of the March AFB "Master Reuse Plan."

The Sheriff's Department now occupies a portion of the site, and training of fire fighters and police officers is occurring today at March Air Force Base. The Joint Powers Authority needs your help to make this a permanent asset to law enforcement in Southern California. In the process, the Training Center becomes a fine example of the local community taking advantage of an unfortunate base closure. The result is a win-win situation that should be supported in any way possible.

Thank you for that support as we all look forward to a speedy enactment of H.R. 404.

Note: In support of the reuse planning requirements of a closed or realigned military base, financial assistance is provided by the U.S. Department of Defense, Office of Economic Adjustment. Grants totalling approximately $800,000 wer received in FY 96 and FY 97.

AT/SA
5/27/97

Mr. HORN. We thank you. Before I ask Sheriff Smith to speak, I would like to clarify the exact acreage. In your testimony you say by 1996, the buildings plus a 365-acre site was identified, and you said for fire, safety, police. So that is where that training and pistol range, whatever else is needed, would be, on that acreage; is that correct?

Mr. TORRES. Yes.

Mr. HORN. Sheriff, you are free to get in here. We wanted to get the numbers right to start with. Then you are saying 20 acres besides that would be the coroner facility?

Mr. TORRES. They are noncontiguous prompt properties. The hospital, which would be the coroner's office, is separate from the contiguous 365 acres which does contain all of the old NCO training facility.

Mr. HORN. How far away is the coroner's area?

Mr. TORRES. My estimation would probably be perhaps a mile.

Mr. HORN. A mile. So these are not contiguous properties. These are two different properties on a vast base of thousands of acres, I assume. What is the total acreage of March?

Mr. SMITH. Approximately 7,000.

Mr. HORN. 7,000 acres. It is a strategic air command base, so the runways are pretty long. OK. I think we have got that straight.

Now, Sheriff Larry Smith of Riverside County, he is accompanied by Eric Schertell, sergeant and legal counsel for Riverside County.

Mr. SMITH. Thank you, Chairman Horn. Honorable Members, I am Larry Smith, sheriff of Riverside County. My agency, along with a host of partners, is currently operating the Clark Park training center at March Base in southern California.

A quick point of clarification for Congressman Davis, I was born in Illinois and lived there in my youth, and Mr. Schertell was born and raised in Rhode Island. So we do have some other diversity, other than all being from California.

But I am here today to present testimony on H.R. 404 authored by Congressman Calvert and urge that it be approved by, moved by this committee.

H.R. 404 and its companion bill, S. 203 authored by Senator Feinstein, and I appreciate her appearance here today, will provide the means for the Department of Justice to sponsor the transfer of surplus Federal real property to local agencies for public safety use. For purposes of my testimony today, public safety is intended to refer to emergency first responders, fire, emergency medical personnel, and law enforcement officers.

The Riverside County's Sheriff's Department would directly benefit by this bill, as we will seek the transfer of certain land at March Air Force Base in Riverside County, CA. Traditionally, public safety and law enforcement training has been accomplished separately by individual agencies throughout the State of California, and, frankly, throughout this Nation. However, we believe that we have a better way. We seek to provide a consolidated training and education program available to all public safety agencies at a central location.

We believe that if you train together, you are going to work more effectively together in emergency scenes, where every second counts and where the loss of time may well mean the loss of life.

At the scene of emergencies, those who respond first must work quickly and efficiently. However, law enforcement officers, fire department personnel, and emergency medical technicians, must also work cooperatively. Each agency has its independent responsibility, but they are also clearly interdependent. Each must know the responsibilities of the other in order to work effectively. Rather than wait for years of experience to buildup to fill in the gaps, we propose to include this as part of the basic training. That is why the Sheriff's Department and fire department have established a consolidated training center at March Air Force Base.

The project includes a consolidated public safety training center and resources, also an emergency operations center for law enforcement and fire operations, and also the ability to provide temporary housing to support emergency workers.

We are also master planning the site for a Sheriff's patrol station and a fire station, which would provide basic service to the surrounding community while connected to our training curriculum.

At the site of the current hospital, the second item, the plan is to install the Office of the Coroner in that facility on two floors, to use an additional two floors in partnership with a local university to provide forensic science training, as well as emergency medical training for personnel and use the remaining balance for administrative support functions and our technical and forensic services, such as CAL–ID, which is our automated fingerprint system in California.

We recognize that there is a great potential for this type of project to be replicated nationwide at military bases that may be closed or otherwise considered for alternative uses, and we believe that other programs that are responsive to the public's need will be created by local agencies if they are given access to surplus Federal property.

In terms of Federal agency sponsorship of general law enforcement project, there is no single agency or collection of agencies that can fully sponsor our current project or the others I would anticipate seeing in the future. I clearly appreciate the efforts of Mr. Creed of the General Services Agency, who we met with to assist us in identifying the issues here.

The Department of Education can only handle the training aspect and the Department of Health and Human Services can handle the coroner function, and maybe some of the emergency medical training issues. But the result is you have a split-up of the project and you are accountable already to two different agencies, and we believe that that will not fully cover our project, and also will multiply our administrative coordination and reporting problems.

We have met and discussed the matter with the Department of Education. They confirmed that they can't handle the entire project, as well as meeting with representatives of Health and Human Services, who also confirmed they cannot handle the entire project. So the Department of Justice is the natural sponsor, I think, for a law enforcement related project.

We seek their participation as a sponsor, and we think that this is critical to our success. If you think about it, it seems a reasonable adjustment to consider in the current transfer authorization bill. We all agree, I think, that public safety and law enforcement

activities are a high priority to all citizens and public safety is everybody's business.

H.R. 404 would open the base reuse process to law enforcement and public safety agencies nationwide. It doesn't seek a higher priority for public safety projects; it just simply creates access where no access has been available. The Department of Justice, GSA, would hold us to the same standards for review and approval of applications, and the necessary processes and controls of these applications could remain in place.

Public safety agencies would still be required to meet the appropriate test of activity and program services or lose those resources. Clearly by this bill, we are asking for access, but to also be held to the standards that everybody else must be held to, no more, no less. We believe through the passage of the bill, we will be able to implement a project that will have positive effects on public safety services and simultaneously demonstrate a benefit that may arise from these base closures.

We believe that given access to the surplus property, we will have a project that will also save taxpayers money, because we will have a more efficient and effective delivery of training services, and that is something I think that every taxpayer can support.

I appreciate the time you have provided me to present these comments. I stand ready to answer any questions that the committee may have. Thank you.

[The prepared statement of Mr. Smith follows:]

House Committee on Governmental Affairs
Text of testimony in support of H.R. 404
Submitted by Larry D. Smith
Sheriff of Riverside County, California
June 3, 1997

Chairman Horne, Honorable Members of the Committee,

I am Larry Smith, the Sheriff of Riverside County, California.

I am here today to present testimony on HR 404, authored by Congressman Calvert, and urge it be approved and moved by this Committee.

H.R.404, and its companion bill S.203, co-authored by Senators Feinstein and Boxer, will provide the means for the Department of Justice to sponsor the transfer of surplus Federal real property to local agencies for public safety uses.

For purposes of my testimony today, public safety is intended to refer to emergency first responders, including fire, emergency medical, and law enforcement services.

The Riverside County Sheriff's and Fire Departments would directly benefit by this bill, as we seek the transfer of certain land at March Air Force Base in Riverside County, California.

Traditionally, public safety and law enforcement training has been accomplished separately, by individual agencies in the State of California.

However, we believe that we have a better way. We seek to provide a consolidated training and education program, available to all public safety agencies, at a central location.

We believe that if you train together, you will work more effectively together at an emergency scene, where every second counts, and where the loss of time may mean the loss of life.

At the scene of an emergency, those who respond first must work quickly and effectively. However, law enforcement officers, fire department personnel, and emergency medical technicians must also work cooperatively. Each particular agency has an independent responsibility, but they are also interdependent. Each must know about the responsibilities of the other in order to work effectively. Rather than wait for years of experience to fill in the gaps of their knowledge concerning the other disciplines, we have included it as a part of our basic training programs.

That is why the Sheriff's and Fire Departments have established a consolidated training center at the March Air Force Base. The project includes consolidation of public safety training and resources, an emergency operations center for law enforcement and fire operations, which provides temporary housing and support services for emergency workers.

We are also master planning the site for a Sheriff's patrol station and a fire station tied to our training curriculum, while providing basic services to the local community. We will place on site the Office of the Coroner and its ancillary forensic services, Sheriff's support services, as well as technological services such as the CAL-ID automated fingerprint system.

We recognize that there is great potential for this project to be replicated nationwide, at military bases that may be closed or

are being considered for alternate uses. And we believe that other programs responsive to the public's need will be created by local agencies that are given access to federal surplus property.

In terms of federal agency sponsorship of general law enforcement projects, there is no single agency or collection of agencies that can fully sponsor our project.

The Department of Education can only handle the training aspect, and the Department of Health and Human Services can only handle the Coroner component. The result of splitting the project to accommodate two sponsors will be a divided and disjointed sponsorship that does not fully cover our project, and would multiply the administrative coordination and reporting requisites.

We have met with and discussed this matter with the Department of Education and they have confirmed that they cannot handle the entire project.

The Department of Justice is a natural sponsor for law enforcement related projects. Therefore, we seek their participation as a sponsor for this project, and for all law enforcement projects. This is critical to our success, and upon reflection, is a reasonable adjustment to consider. We all agree that public safety and law enforcement activities are a high priority as a nonpartisan concern. Public safety is everyones business.

H.R. 404 would open the base reuse process to law enforcement and public safety agencies nationwide. But this bill does not seek higher priority for public safety

projects, it will create access where no access has been available.

The Department of Justice would hold us to the same federal standards for review and approval of applications. The necessary processes and controls for these applications would remain in place. Public safety agencies would still be required to meet the appropriate tests of activity and program services under their application or lose these resources.

Clearly, by this bill we are asking for access, and to be held to the standards that everyone else must be held to. No more, no less.

We believe that through passage of this bill, we will be able to implement a project that will have a positive affect on public

safety services and simultaneously demonstrate a benefit that may arise from base closures.

However, a delay in this process to study and evaluate the need for law enforcement's access to federal surplus property would not be beneficial. The project must be developed while the interest of the community is in hand. A delay would risk the momentum that is critical to our success.

We believe that if given access to the surplus property, we will have a project that will save tax dollars by rendering a more efficient delivery of services, something that every taxpayer can support. I also believe that there will be a direct economic benefit to the community with the creation of new and meaningful jobs.

I appreciate the time you have provided to me to present these comments for the record, and I stand ready to answer any questions you might have. Thank you.

Mr. HORN. I thank the Sheriff for his testimony. It has been very helpful.

We have in our books here the testimony of Tom Mullen, Riverside County Board of Supervisors. Without objection, that testimony will be put in the record at this point as if read.

[The prepared statement of Mr. Mullen follows:]

HOUSE COMMITTEE ON GOVERNMENTAL AFFAIRS
TEXT OF TESTIMONY IN SUPPORT OF H.R. 404
SUBMITTED BY TOM MULLEN
RIVERSIDE COUNTY BOARD OF SUPERVISORS

Chairman Horne, Honorable Members of the Committee, I am Tom Mullen, Fifth District Supervisor, Riverside County Board of Supervisors. I am here today to present testimony on H.R. 404, by Congressman Calvert, and I urge that it be approved and moved by this Committee.

The availability of federal surplus property from the realignment of March Air Base has given Riverside County an opportunity to develop several projects that will replace the loss of income once generated from the military's presence. One of the most significant projects at the base is the development of the Riverside County Sheriff's and Fire Departments' project.

This project is based on a number of important uses of surplus property. However, the Federal Property and Administrative Services Act of 1949 limits the type of projects that are given access to federal surplus property. Agencies with a general law enforcement or public safety project are not recognized as candidates for surplus property.

The enforcement of criminal and civil law is important to small and large communities, to the individual states and the nation as a whole. In fact, law enforcement is one of the most prominent responsibilities of government. To its credit, the federal government has invested significant amounts of money in programs intended to impact crime at the local level. However, these programs will not have their intended impact unless local law enforcement has the means to effectively deliver and support them. In order to do be effective local law

enforcement requires an infrastructure basic to any profession: buildings and property that are capable of housing the developing needs of law enforcement.

This was recognized in 1982 with the increase in violent crime, arrests and a shortage of prison space. As a result, Congress expanded the Federal Property and Administrative Services Act of 1949 to include the allowance of surplus property to local government to build jails and prisons. It would seem that if Congress is willing to dedicate funds to lower the growth of crime at the local level, and to provide property to local government for building prisons, it is already acknowledging the need and appropriateness of using federal assets to help local law enforcement.

H.R. 404 and its companion, S.203 are bills that recognize the need for federal support of local law enforcement projects so

that they may be more effective in their actions against crime. The bill does not give law enforcement priority in their requests for federal surplus property, and the application must be reviewed and accepted by the federal agency that is expert in law enforcement matters and is best equipped to act as a sponsor for such projects, the Attorney General's Office. HR 404 does not amend the law to change the requirement that the surplus property be used for a law enforcement purpose in perpetuity, so the Congress will have the assurance that if the property is misused title will revert to the federal government.

The Riverside County project contemplates delivery of modern public safety training with economy and creativity. But it would also utilize existing structures for necessary law enforcement activities such as, a site for a computerized fingerprint identification center, a coroner's office, and a future

sheriff's substation and fire station. These sites are necessary for the continued growth of programs that are important to public safety efforts. I believe that this project reflects thoughtful planning and a creative approach to making law enforcement more effective. I also believe that HR 404 allows a practical and appropriate use of federal surplus property which gives public safety and law enforcement officials across the country an opportunity to improve their services.

Mr. HORN. Were there any other statements? Here is the testimony of Debbi Huffman Guthrie, representing the Monday Morning Group, in favor of H.R. 404. Without objection, that will be put in the record at this point.

[The prepared statement of Ms. Guthrie follows:]

TESTIMONY BY DEBBI HUFFMAN GUTHRIE, REPRESENTING THE MONDAY MORNING GROUP, IN FAVOR OF HR 404-Calvert

The Monday Morning Group of Western Riverside County, California wishes to speak in strong support of HR 404, recommending the amendment of existing law and regulations so that the Department of Justice can be the federal sponsoring agency for a public benefit conveyance of surplus federal property to a local law enforcement agency for general law enforcement use.

For the past 34 years, The Monday Morning Group has offered the communities of Western Riverside County the leadership necessary to stimulate and guide economic, political and civic activity in the region. We are non-partisan and are committed to providing regional civic leadership, anticipating and addressing the challenges facing our region, and helping to make Western

Riverside County and the Inland Empire an excellent place in which to live and do business. All of our members are proven community leaders dedicated to the social and economic well-being of Western Riverside County and its environs and take action through informed collective, and individual influence and actions only after thorough research. The Group is quite representative of the businesses located here and spans a wide range of activity from small construction firms to large utility companies and educational institutions as well as legal and professional members.

ACCOMPLISHMENTS

Throughout the years the communities of our region have looked to the Monday Morning Group to facilitate some projects that cannot be fully addressed from the public sector. Recognizing that

we have been instrumental in bringing various agencies to the table and as a result have had considerable impact on our region as demonstrated by some of our successes:

1974 - Working with the House Veteran's Affairs Sub-Committee, facilitated a 600 acre land transfer from the Air Force to the Veterans' Administration to site a Veteran's Cemetery adjacent to the March Air Force Base

1979 - Assisted with obtaining of funds to build U.S. Department of Agriculture Salinity Lab in Riverside

1980 - Convincingly worked with the Air Force to relocate the Air National Guard to March Air Force Base to allow for the much needed expansion of Ontario International Airport

1980s- Assisted with our support to obtaining a federal grant to replace an antiquated regional transportation center in Riverside

1980s- Helped to facilitate the sale and grand re-opening of the Riverside Landmark, The Historic Mission Inn

1990s- Assisted with dialogue and plans to attract both the California Tower and Federal District Courts to newly revitalized downtown Riverside

1990s- Took leadership positions relating to base realignment and reuse as the impact of BRAC affected our region

Additionally, we are proud of the active role played by our Group in support of the May 7, 1997 signing of a Joint Use Agreement at March Air Reserve Base.

Also in the Spring of 1997, the Monday Morning Group represented by 10 of its members, carried several important issues to the Nation's Capitol. Those topics discussed with key selected

individuals and agencies were environmental issues, the endangered species act, Riverside Community College, the University of California, Riverside, Riverside County transportation issues, continued Federal District Court issues, March Air Reserve Base and the Ben Clark Training Center, a model program attracting national attention.

With this in mind we now focus our efforts on an issue of critical importance to our region and our country...an issue first brought to our legislators in Spring of 1996 and a model for communities who are reeling from the effects of BRAC and the Federal government's streamlining process. We realize that the passage of HR 404, and amendment to the Federal Property and Administrative Services Act of 1949, is vital to flexibility in use of surplus government property and the continued economic viability

of the regions affected.

Our region has been hard hit by the recent realignment of March Air Force Base, a condition not unique to Riverside or even Southern California. When exploring reuse possibilities, one idea surfaced that we feel sets a model for other communities. That model, from Riverside County, California, involves a plan to establish a public safety training center combining the efforts of law enforcement, fire and emergency medical services. We support the use of federal surplus land to develop the Riverside County plan.

The realignment of March Air Force Base has initiated the release of excess federal real property for private and public development in the County of Riverside. The Non-Commissioned Officer

(NCO) Academy at the west end of the base and the base hospital are included in the property that is to be released for development. The Riverside County Sheriff and the Fire Department have developed the concept of a regional training center for the joint training of fire, emergency medical, and the law enforcement personnel. The proposed training center will be developed to provide the latest in training technology and facilities to all public safety agencies interested. The Sheriff and Fire Departments have determined that the March NCO Academy, approximately 365 acres contiguous to the Academy, and the base hospital, are sites that are well suited to the concept of the training facility. The base hospital will provide facilities and equipment for emergency medical training and will also accommodate Sheriff's support services that are unrelated to the training academy, the County Coroner's Office and the Sheriff's forensic services lab.

The County received a one year interim lease for the NCO Academy in September of 1996 and has begun to develop the regional training facility under the name of the Clark Training Center. The Center has already grown and has proven its viability in the 8 months of its existence. However, the Center is limited to only 4 additional one year leases. In order to prepare for the long term use of the facility and capital improvements that are required to maintain it, the county will need to apply for ownership of the site. A federal sponsor is therefore required, as is legislation to empower a sponsor.

The current regulations stipulate that the Department of Education can sponsor an application for education or training purposes; Health and Human Services can support an

application for public health purposes; Transportation can sponsor an airport project and the Justice Department can sponsor a conveyance to a local law enforcement agency if the property is planned for use as a corrections facility. Although elements of the Riverside County project are supportable by the Departments of Education and Health and Human Services, we believe the project is too involved and too important to be divided among numerous agencies. And while the Department of Justice is the logical sponsor for law enforcement projects, their authority is much too limited by current statute.

The Federal Property and Administrative Services Act of 1949 needs to be amended to include reasonable projects designed by local law enforcement agencies in response to local public safety issues, including training. This can be accomplished via an

amendment to the law and by refining the implementing regulations.

We illustrate the following points in support of H.R. 404:

- This amendment would provide for further investment int he health and safety of our communities.
- We believe that his amendment can facilitate and ease the transition of federal properties to more practical use.
- The transfer would provide economic stimulation to communities.
- Private enterprise is anxiously awaiting the opportunity to participate with such a public safety training center in activities to facilitate training for safer, more efficient response to varied types of emergencies (e.g. Emergencies

dealing with high voltage power poles land lines, to natural gas, to fast moving water rescue, etc.)

- This is a unique opportunity to observe public/private partnership at its best.
- This use would make possible the coordination of efforts between responding agencies
- We believe that this type of use sets the standard for multi-agency projects of the future.
- Recognizing that in 1984, while violent crime was on the rise, the Department of Justice was empowered to act as a sponsor of state and local correctional projects; the concerns generated by crime as a national problem still exist, the Department of Justice should be given broader powers to handles these problems.
- Crime remains a National problem deserving our utmost

attention;

- We believe that the Department of Justice was established to protect the public from crime.
- We believe the Department of Justice should be given the flexibility to determine the use of federal surplus property to fight crime.
- It is our belief that a sponsor familiar with law enforcement and its problems would be best suited in this role.
- We understand that as the sponsor, the Department of Justice would be responsible for reviewing and approving all applications for use of the property. An inappropriate use would require the Department to deny the application.

In light of the issues raised, the practicality of the use, and the importance of such a program to the safety of the American public,

we urge this Committee's support HR 404 as a smart business decision.

Mr. HORN. Let's just see if we have some others here.

That is it. There will be a letter from the International Association of Fire Chiefs, who enthusiastically endorses this proposal. That will be put in the record.

[The letter referred to follows:]

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

4025 Fair Ridge Drive • Fairfax, VA 22033-2868 Telephone: (703) 273-0911
FAX: (703) 273-9363
ICHIEFS: IAFCHQ

June 13, 1997

Honorable Steve Horn, Chairman
Government Management, Information and Technology Subcommittee
Committee on Government Reform and Oversight
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Horn,

The International Association of Fire Chiefs supports passage of HR 404, now before the Subcommittee on Government Management, Information and Technology of the House Government Reform and Oversight Committee.

The International Association of Fire Chiefs supports HR 404 to provide for improved and expanded training facilities of public safety emergency responders. These responders - fire departments, law enforcement and emergency medical services - are constantly in need of diverse and state of the art training facilities. Training and educational facilities of this nature also provide for the integrated training of public safety responders for special situations that require coordinated actions between all involved agencies, such as terrorist attacks, hazardous materials training and disaster response.

These parcels of property can provide public safety agencies with the needed specialty training facilities to better protect and assist the public in the ever increasing and expanding roles public safety agencies play. The IAFC fully supports prompt passage of HR 404. We would be pleased to respond to any inquiries you may have on this issue. Thank you for your consideration on this important matter.

Very truly yours,

Alan Caldwell

Alan Caldwell, Director
Government Relations

cc: Honorable Carolyn B. Maloney, Ranking Minority Member

Mr. HORN. Now, are there any questions you would like to ask of GSA and any questions Mr. Creed would like to ask of you? I think this would be a good chance to get all the facts out on the table in just what we are talking about.

Mr. SMITH. Mr. Creed and I have personally met and talked over the phone, and I think his testimony accurately reflects the state of where we are today.

Mr. HORN. Does the gentleman from Riverside County, Mr. Calvert, wish to comment on anything else? Do you see any loose ends here? We want a complete record.

Mr. CALVERT. I, again, want to thank you, Mr. Chairman, for allowing us to have this hearing. As you heard from Senator Feinstein and Congressman Bono, this isn't just important to California, I think this is a program that Sheriff Smith correctly outlined that can be very important to the entire country for law enforcement purposes and public safety purposes. It makes good sense.

Unfortunately, GSA doesn't have the ability to work within the existing law, so this is necessary to move forward where we can get this project moving forward.

Sheriff Smith is certainly proud of what he has accomplished there to this date, and I think we look forward to many of the public safety agencies, both Federal, State and local, participating on this property for joint training for public safety purposes, whether it is earthquakes in California or floods or wherever else we have. So I think this is great legislation, with all due modesty.

I look forward to your support.

Mr. HORN. I think it is an excellent piece of legislation. But let me ask Mr. Creed, in terms of public benefits, if that 300 acres was used for a law enforcement training benefit, nothing else would really occur on that 300 acres, I take it. Is that the way the various benefits work? They are exclusionary once the mission is fulfilled there?

Mr. CREED. Under the Federal Property Act, when surplus real property is made available for public health purposes, the Secretary of HHS promulgates regulations to describe what qualifies as public health. Presently, there are about eight different activities. The latest activi- ty is for the homeless, to make that a public health-type activ- ity.

Similarly, the new section 204(p) could conceivably be defined through implementing regulations as to exactly what type of activities would encompass law enforcement. So, therefore, conceivably training or some other activities could further be developed through the Department of Justice. But while those types of activities could be probably changed and modified, the property would remain restricted for those types of public purposes on the redeployment of the property. So, therefore, no, the property could not be used for some other public benefit, discount conveyance.

Mr. HORN. Let me ask the representatives from Riverside County, is all 300 acres needed? Essentially, have you scoped out what your needs are?

Mr. SMITH. Yes, the existing property that we currently have under sublease is being used pretty much as classroom training sites, as well as support area. The proposed uses in our program of the open space currently in the process would be to develop a

canine and equestrian process, a computer training center, a correctional training complex, a driver's training course for skills driving, an emergency staging area, fire and life safety complex.

Currently, there is no development of that. An example would be fire towers and those kinds of issues, a physical training complex and the scenario training village. Because we are trying to develop a skills-based training site, and we now have in terms of the actual buildings and property, we have the classroom setting.

What we basically need now is to develop the ability to go out and do applied training. And that is the essential part of the issue of the additional land in the complex.

Mr. HORN. Let me ask you, Mr. Creed, have you ever been faced in GSA with a situation where two agencies were needed to sponsor a public benefit discount? Have you had that situation arise before? Which is really this situation.

Mr. CREED. Generally, the situation is you will have two communities, you will have a municipality——

Mr. HORN. Could you get that microphone a little closer? It is a little hard to hear.

Mr. CREED. Generally, what we will encounter is a municipality or a county or a State each applying for a public use which is dissimilar from the others. We may have public education competing against a public health type of use, but never have we had the situation where there would be two public benefit sponsors for the same property.

Mr. HORN. I see. They might be contiguous, but they haven't been overlapping?

Mr. CREED. Correct.

Mr. HORN. And so you haven't really had to bring the forces together. We just haven't had that factual situation you are telling me?

Mr. CREED. No, we have not.

Mr. HORN. So even if we gave you the power based on that memorandum you are going to get from legal counsel as to liberalizing the law so GSA can act and solve these prob- lems. The problem just hasn't arisen before, so you would have a problem like this. What do you think is the common sense thing to do?

Mr. CREED. In GSA's role as being the Government's property manager and disposal agent, we try to serve as a facilitator to bring the different sponsoring agencies together. On May 5th, we met with Sheriff Smith and people from Riverside to get an initial grasp of the facts surrounding these particular 300 acres of the base.

Yesterday, GSA conferred with the Departments of Health and Human Services and with the Department of Education to try to see if there is some flexibility by combined efforts as a single team.

So is this new territory for GSA? Yes. It it is one that we continue to remake available and seek to assist the county of Riverside in its efforts to redeploy the property for these purposes.

Mr. HORN. Was your feeling after meeting with the other agencies that as they interpret the law, there was no way to solve the problem?

Mr. CREED. It was my understanding that they couldn't pull the elephant through the door, meaning——

Mr. CREED. Meaning all, both the 300 acres and the 20 acres as dedicated for public health purposes, nor could the Department of Education pull both parcels through for public education. But there may be an approach whereby one parcel could be for public education and perhaps the other parcel could be for public health-type use, and there might be some flexibility with these two departments to try to attain a success here.

Mr. HORN. I think GSA would be a good arbiter on behalf of the executive branch to solve the problem. If you need the authority, we certainly ought to try to amend the bill to get that authority and bring it before the House and ship it to the Senate. I think we could solve problems all over America, because there has got to be similar situations like this that will grow as we face up to what are we going to do with the huge lands that have been turned over as surplus Federal property. That gives the community and the Government flexibility to do the right thing, which I think is important.

Are there any other questions? We are delighted to have the ranking minority member here, Mrs. Maloney of New York.

Mrs. MALONEY. Thank you, Mr. Chairman. I just really would like to ask Mr. Calvert, why you are using this approach as opposed to just a land conveyance that happens all the time in Congress, that is narrowly tailored just for this specific purpose and this particular situation?

Mr. CALVERT. Under the existing laws, as was pointed out earlier, GSA cannot convey the property other than for a corrections facility or for education uses or public health. So for law enforcement purposes and public safety purposes, we need this legislation in order for the Department of Justice to be able to be the sponsoring agency and to convey the property.

Mrs. MALONEY. But oftentimes in Congress they will put in just a special conveyance bill for a particular piece of property.

Mr. CALVERT. We believe that besides just March Air Force Base, California, as Senator Feinstein pointed out earlier, we have experienced a number of base closures, and law enforcement throughout the State of California and certainly throughout the United States may also find it necessary to find excess Federal property for this type of use. So it would give the flexibility to GSA throughout the country by changing language to allow for law enforcement and public safety activities to be conveyed without further legislation.

Mrs. MALONEY. Did you consider trying to arrange the transfer of this property under the base realignment and closure laws? Did you try to convey it through those laws, and, if not, why didn't you?

Mr. CALVERT. Again, this is certainly for the public use and for the local communities, so it doesn't really define as economic development, because it is not going to be developed into an industrial park or a shopping center. It is to be used for public use. So it really doesn't define as economic development under the base realignment laws as they exist today.

So really we certainly attempted to find a way to do this without having to pass this legislation. There has been a lot of other Members, both Republicans and Democrats, by the way, who have also tried to find some ways to do this and have found that this legisla-

bers, both Republicans and Democrats, by the way, who have also tried to find some ways to do this and have found that this legislation is necessary in order to make sure that we can have this take place, not only in Riverside, but throughout the United States.

Mrs. MALONEY. I thank you for your testimony, and I have no further questions. It merely expands it to law enforcement. It already covers correctional. I have no objection to it. I would request that my opening statement be put in the record as read.

Mr. HORN. It will be put in the record at the beginning of opening statements as read.

Mrs. MALONEY. Thank you.

Mr. HORN. Mr. Davis.

Mr. DAVIS OF ILLINOIS. No further questions, Mr. Chairman.

Mr. HORN. Well, any further comments, Mr. Creed, you would like to make? Gentlemen? Mr. Calvert, would you like to make any comment?

If not, we thank you very much for coming. We know that is a long trip. We hope you enjoy the sights of Washington, DC, and you are always a welcome guest here. With that, we adjourn this hearing.

Let me note for the record, to our friend recording this, the list of staff present: J. Russell George, staff director and counsel; Mark Brasher, professional staff member; John Hynes, professional staff member; Andrea Miller, clerk; Mark Stephenson, minority professional staff member; Ellen Rayner, minority chief clerk; Bob Cochran, court reporter; and the GMIT Interns, Melissa Holder, Grant Neuman and Michael Presicci.

The subcommittee stands adjourned.

[Whereupon, at 3:15 p.m., the subcommittee was adjourned.]