Subject: Reporting on Grant-funded Real Property

PURPOSE. This Order implements the real-property reporting requirements specified at 2 C.F.R. § 200.330.1

SCOPE. This Order applies to all OJP components.

EFFECTIVE DATE. This Order is effective upon issuance.


BACKGROUND. When OJP grant funds are used to acquire an interest in real property, or to make improvements to such property (such as through a grant-funded construction or renovation project), OJP has an interest in the grant award recipient’s continuing use of the same for the originally funded grant purpose. This OJP interest extends throughout the useful life of the real property acquired, or real-property improvements made, regardless of the end date of the award.

In order to protect this OJP interest, 2 C.F.R. § 200.330 requires the OJP grant award recipient to report on the real property acquired, or real-property improvements made, through the grant funding, for as long as OJP’s interest therein is retained. A grant award recipient’s failure to report under § 200.330 as required may lead to a designation, by OJP, of “high-risk” under 2 C.F.R. § 200.206 and/or to pursuit, by OJP, of other remedies, including those specified at 2 C.F.R. § 200.339. In addition to future awards, this order applies to OJP awards with approval to use grant funds to support construction and renovation of real property that are active at the effective date of this order, and to awards that may have expired or closed before the effective date of this order, when such award contained an award condition requiring the recipient to comply with the federal real property reporting requirements.

ORIGINATOR. Office of the General Counsel

---

1 As of the effective date of this Order, 2 C.F.R. § 200.330 provides as follows:

_The Federal awarding agency or pass-through entity must require a non-Federal entity to submit reports at least annually on the status of real property in which the Federal Government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years)._
CANCELLATION. None.

DEFINITIONS & CROSS-REFERENCES.

References to sections of 2 C.F.R. Part 200 are to such sections, as adopted by DOJ at 2 C.F.R. Part 2800).

*Real property* means what it means under 2 C.F.R. § 200.1, as in effect from time to time.\(^2\)

*Federal interest* means what it means under 2 C.F.R. § 200.1, as in effect from time to time.\(^3\)

*Grant* includes cooperative agreement.

POLICY.


2. As to each grant-funded real-property project, the grant award recipient shall submit its initial report under 2 C.F.R. § 200.330 to OJP not later than 90 days after completion of the project or of grant close-out, whichever is earlier.

3. The useful life of each grant-funded real-property improvement shall be indicated by the grant award recipient in its initial report under 2 C.F.R. § 200.330,\(^4\) and shall be consistent with the useful life thereof that is indicated in the grant recipient’s tax returns and/or annual financial-statement depreciation schedules.

4. Program offices may, as appropriate, provide specific instructions to grant award recipients regarding the SF-429 to ensure that reports under 2 C.F.R. § 200.330 produce information that is useful to OJP. (For example, grant award recipients may be directed to provide more information about ongoing usage of the real property, to ensure it complies

---

\(^2\) As of the effective date of this Order, 2 C.F.R. § 200.1 defines *Real Property* as follows:

*Real property* means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

See also 2 C.F.R. § 200.1, defining *Equipment* and *General purpose equipment*.

\(^3\) As of the effective date of this Order, 2 C.F.R. § 200.1 defines *Federal interest*, in pertinent part, as follows:

*Federal interest* means . . . the dollar amount that is the product of the: (a) \[P\]ercentage of Federal participation in the total cost of the real property . . . ; and (b) Current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

See also 2 C.F.R. § 200.1, defining *Acquisition cost*, *Federal share*, and *Project cost*.

\(^4\) See SF-429 Attachment A, Question 13, “Period and type of Federal Interest.”
with the originally-funded purpose.)

5. In general, program offices may, as appropriate, excuse grant award recipients from reporting on “cumulative energy consumption” in their reports under 2 C.F.R. § 200.330. (See SF-429, Attachment A, question 17). With the concurrence of the General Counsel, program offices may excuse grant award recipients from reporting on other matters encompassed by SF-429, in such reports.

6. Program offices shall take appropriate steps to require compliance with the rules specified in this Order.

Maureen A. Henneberg  
Acting Assistant Attorney General  
April 28, 2021  
Date