



Federal Surplus Property Public Benefit Conveyance Program

Application and Guidance

for

Correctional Facility and/or Law Enforcement Use Determinations

Eligibility

The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.

Deadline

Base Realignment and Closure (BRAC) / Military Buildings and Land: After federal approval of Local Redevelopment Authority plan.

Non-BRAC Buildings and Land: Within 30 days of Surplus Notice expiration date.

Contact Information

M. A. Berry, Senior Project Manager
Department of Justice, Office of Justice Programs/BJA
810 Seventh Street, NW., 4423, Washington, DC 20531

1-866-859-2687 Toll Free

202-353-8643 (Office) / 202-305-1367 (Fax)

M.A.Berry@ojp.usdoj.gov

**Office of Justice Programs
Bureau of Justice Assistance**

Federal Surplus Property Public Benefit Conveyance Program

Background

The General Services Administration (GSA) promotes the effective use of federal real property assets as well as the disposal of real property that is no longer mission critical to federal agencies. Through the Federal Surplus Property Public Benefit Conveyance Program (Program), surplus federal land and buildings are conveyed to public entities at no cost pursuant to 40 U.S.C. 541, et seq., and applicable regulations (40 U.S.C. § 553 and 41 C.F.R. Parts 102-75.750 through 102-75.815). Eligible applicants include states, or political subdivisions or instrumentalities of states, proposing to use the subject property for law enforcement purposes or correctional facility purposes. To review or obtain a copy of the federal statute and regulations governing this program, or for detailed information, please visit the GSA web site at <https://propertydisposal.gsa.gov>.

Non Base Realignment and Closure (BRAC) Buildings and Land

Sections 553(b)(1) and (2) of Title 40 of the United States Code authorizes GSA to transfer or convey surplus real and related personal property to state and local governments, at no cost, under certain conditions as determined suitable by the U.S. Attorney General for correctional facility and/or law enforcement use. The Attorney General has delegated to the Assistant Attorney General for the Office of Justice Programs (OJP), pursuant to A.G. Order Nos. 1079-84 and 2153-98, the authority to review all applications and provide a recommendation on behalf of the Department of Justice as to whether the proposed use is suitable for correctional facility use to alleviate crowded state and local correctional facilities and/or for law enforcement use. Effective January 2010, this authority has since been re-delegated, by the Assistant Attorney General of OJP, to the Director of the Bureau of Justice Assistance.

Base Realignment and Closure (BRAC) Buildings and Land

GSA has the primary responsibility for the administration of the program. However, as required by law, GSA has delegated conveyance authority to the Department of Defense (DoD) for military properties that are closed or realigned as part of the Base Realignment and Closure (BRAC) process, as determined suitable by the Attorney General for correctional facility and/or law enforcement use. (See Pub. L.101-510, § 2905(b), 10 U.S.C. § 2687 note.) DoD's Office of Economic Adjustment (OEA) is the primary source for assisting communities that are adversely impacted by the Department of Defense program changes, including military base closures or realignments. To assist affected communities, OEA manages the Defense Economic Adjustment Program (DEAP) and coordinates the involvement of other federal agencies and Local Redevelopment Authorities (LRA).

In 1987, Congress enacted the Stewart B. McKinney Homeless Assistance Act. Title V of this Act made serving the homeless the first priority for use of all surplus federal properties, including military installations. The LRA is responsible for developing a reuse plan that appropriately balances the needs of the various communities for economic redevelopment, other development projects and homeless assistance. The Department of Housing and Urban Development (HUD) reviews all LRA plans to determine compliance with the statute.

DOJ's Role

OJP's Bureau of Justice Assistance (BJA) reviews all applications and, when deemed appropriate, makes determinations to the GSA Administrator or the Secretary of Defense, as to whether: (1) the use proposed by the state or unit of local government meets the requirements of the statute; and (2) the environmental impact of the proposed transfer has been assessed, by the applicant, under the National Environmental Policy Act (NEPA). GSA, or DoD, then takes the applicant proposals and BJA's determinations under consideration in advance of making appropriate federal surplus property conveyances to state and local public entities.

BJA is also responsible for providing interested parties with an application kit, which requests relevant information so that BJA can determine that the proposed use is appropriate and in compliance with applicable federal laws.

Disclaimer

Please note that, under 40 U.S.C. § 553, the GSA Administrator or the Secretary of Defense has final approval authority with respect to any and all surplus property conveyances.

Eligibility

The 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands, or any political subdivision or instrumentality thereof, may authorize applications for the conveyance of surplus real property for correctional use or law enforcement purposes.

Definitions

As defined by law, law enforcement means "any activity involving the control or reduction of crime and juvenile delinquency or enforcement of the criminal law, including investigative activities such as laboratory functions as well as training." See 41 C.F.R.102-75.765 at: www.access.gpo.gov/nara/cfr/waisidx.

Corrections facility use means "property required for criminal facility purposes or an appropriate program or project approved for the care or rehabilitation of criminal offenders."

Stipulations and Compliance

The deed of conveyance, for each and every Program surplus property, stipulates that all of the subject property must always be used and maintained for the purpose(s) set forth in the Program application. Periodic inspections of properties will be made by GSA to ensure continuing compliance with the terms and conditions of the conveyance. Recipients can suffer hardship and financial loss when properties revert back to federal ownership for noncompliance. For example, if a facility is constructed on property conveyed for minimum-security criminal offenders, and is later found as being used for mental health facility purposes, the recipient would be deemed in noncompliance and the property would be subject to reversion to the federal government. Recipients must coordinate any proposed deviation, however minor, with BJA and GSA. Recipients must also file an annual self-certification with their respective regional GSA or DoD representatives stating that their current program of use is consistent with that identified in the application.

Intergovernmental Review of Federal Programs

To foster intergovernmental partnerships between the states and their local governments, the applicant's intent to apply for excess federal property must be communicated to the applicant state's Single Point of Contact (SPOC) for review as per Executive Order 12372. The Executive Order can be viewed at: <http://www.fws.gov/policy/library/rgeo12372.pdf>. To determine if the applicant's state participates in this requirement, please visit the following web site: http://www.whitehouse.gov/omb/grants_spoc/

Application

Please complete the attached application, sign and submit by e-mail or compact disc (CD) to:

M. Berry, Senior Project Manager
Bureau of Justice Assistance
810 Seventh Street, NW., Suite 4423
Washington, DC 20531
1-866-859-2687 (Toll Free)
202-353-8643 (Office) or 202-305-1367 (Fax)
M.A.Berry@ojp.usdoj.gov

**APPLICATION FOR
FEDERAL SURPLUS PROPERTY PUBLIC BENEFIT CONVEYANCE (PBC)**

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS / BJA
810 Seventh Street, NW., Washington, DC 20531

Purpose of Proposed PBC
 Correctional Facility **Law Enforcement**

SECTION I - APPLICANT

1. APPLICANT'S NAME		2. ORGANIZATION		
3. ADDRESS	4. CITY	5. COUNTY	6. STATE	7. ZIP CODE
8. CONGRESSIONAL DISTRICT(S)		9. NAME OF CONTACT		
10. TELEPHONE AND FAX NUMBERS		11. E-MAIL ADDRESS		
12. ACQUISITION AUTHORITY (Name, title, address, telephone number, and e-mail address of official with legal authority to enter into contracts with the federal government)				

SECTION II - PROPERTY INFORMATION

1. PROPERTY IDENTIFICATION (Name, city, and state)		2. GSA NUMBER (if applicable) OR BASE REALIGNMENT IDENTIFICATION NUMBER		
3a. DATE APPLICANT NOTIFIED GSA OR LOCAL REDEVELOPMENT AUTHORITY (LRA) OF INTEREST (Please attach notice)	3b. DATE APPLICANT NOTIFIED DOJ OF INTEREST (Please attach notice)	3c. DATE PROPERTY WILL BE AVAILABLE FOR CONVEYANCE		
4. ASSIGNED FEDERAL GSA or OEA PROPERTY SPECIALIST (Name, regional office location, telephone number, and e-mail address)				

If you are seeking a determination for property under the Base Realignment and Closure (BRAC) program, complete items #5 & #6. If not, please go to item #7.

5. BRAC Only: APPLICANT'S LOCAL REDEVELOPMENT AUTHORITY (Recognized LRA name, address, telephone, & contact person; attach LRA Plan)
6. BRAC Only: DEPT. OF HOUSING AND URBAN DEVELOPMENT DETERMINATION (Please attach letter)

7. DESCRIPTION OF PROPERTY
a. Provide a legal description of the subject property and identify all buildings, structures, and current use. Attach metes and bounds survey with aerial photos. Mark property area to be conveyed.
b. Identify the property's current zoning classification.
c. Attach or itemize all inventory (personal property) to be conveyed as described in Notice of Availability.

SECTION III - PROJECT INFORMATION

1. PROJECT TITLE

2. PROJECT DESCRIPTION

- a. Describe the applicant's mission, problems to be addressed and how it will benefit from the proposed PBC.
- b. Describe the activities to be conducted, the population the PBC will serve, and the anticipated benefits to that population.
- c. Correctional Facility Construction or Law Enforcement Renovation: Describe the state, local or national authority standards or guidelines that will be met in designing, renovating and operating a correctional or law enforcement facility and the process and procedural requirements that must be met to assure compliance. Include description of security features for detention (electronic system, wall, fence, buffer zone, patrol and lighting) and transportation of detainees and the policy and procedures for public notification of a major emergency (i.e., escapee) endangering the public. Provide detailed description of design, type & size of structure and interior floor plan.
- d. Provide a timeline for accomplishing renovation/construction and implementing activities after conveyance.

SECTION IV - BUDGET

1. BUDGET

- a. Provide an estimate of the total funds needed to renovate, furnish and/or remodel requested property or to construct on requested property and the projected cost to maintain (include monthly upkeep, maintenance, utilities, landscaping, telephone, Internet, etc.).
- b. Identify source(s) of funds, process to obtain the funds and projected date of availability of funds.
- c. Provide a timetable for acquiring funds, implementing the planned activities and maintaining funding to sustain requested property.

SECTION V - INTERGOVERNMENTAL REVIEW

1. INTERGOVERNMENTAL REVIEW

- a. If Applicable: Attach copy of cover letter addressed to applicant's state Single Point of Contact (SPOC) for review.
- b. State Single Point of Contact: Attach response from SPOC to above notification.
- c. Not Applicable: Applicant's state does not require an Intergovernmental Review.

SECTION VI - ENVIRONMENTAL IMPACT

1. NATIONAL ENVIRONMENTAL POLICY ACT: Categorical Exclusion Checklist
 All applicants for surplus property for corrections facility, emergency management, or law enforcement purposes or use must complete the attached checklist to comply with 41 U.S.C. § 102-75.785(d), which states in part: *"Any determination that DOJ or FEMA submits to the disposal agency must provide complete information concerning the correctional facility, law enforcement, or emergency management response use, including:... (d) The environmental impact of the proposed correctional facility, law enforcement, or emergency management response use."* Complete attached National Environmental Policy Act Categorical Exclusion Checklist.

SECTION VII - CERTIFICATIONS

- 1. Equal Employment Opportunity: Applicant agrees that for receiving federal surplus real property, it will not discriminate upon the basis of race, color, national origin, sex, age, disability, or religion in the use, occupancy, or lease of the property for the period during which the real property is used for the purpose under which the federal financial assistance is extended.
- 2. Perpetual Use: Applicant understands that the property transfer is pursuant to Section 553(b)(1) and/or (2) Title 40, United States Code, and agrees that the property will be used and maintained for correctional facility use and/or law enforcement purposes in perpetuity and that in the event the property ceases to be used or maintained for the purposes for which the property was conveyed, all or any portion of the property shall in its then existing condition, at the option of the grantor, revert to the grantor.
- 3. Application Certification: I certify that to the best of my knowledge, the information provided in this application is true and correct and the application has been duly authorized by the governing body of the applicant.

Certifying Representative Signature: _____ Date: _____
 Printed Name: _____ Title: _____

**APPLICATION FOR
FEDERAL SURPLUS PROPERTY PUBLIC BENEFIT CONVEYANCE (PBC)**

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS / BJA
810 Seventh Street, NW., Washington, DC 20531

Application Instructions and Required Attachments:

Application instructions and required attachments. This application can be used for single or joint use purposes. You may complete this form by using MS Word format to fill in the field, or print and attach your narratives to it.

Section I

#12. Acquisition Authority: Provide a copy of the governing legislation enabling applicant to receive or act on behalf of applicant for the purpose of receiving federal property.

Section II

#3a. Applicant's Notice of Interest: Attach Notice of Interest to the General Services Administration or Department of Defense.

#3b. Applicant's Notice of Interest: Attach Notice of Interest to the Department of Justice's Bureau of Justice Assistance.

#5. BRAC Only: Attach applicant's Local Redevelopment Authority Plan (LRA).

#6. BRAC Only: Department of Housing and Urban Development's determination on compliance with the Stewart B. McKinney Homeless Assistance Act (see: <http://www.hud.gov/offices/cpd/homeless/lawsandregs/mckv.cfm>): This can be received from your LRA or the:

Base Realignment and Closure Coordinator
Department of Housing and Urban Development
Office of Special Needs Assistance Programs
451 Seventh Street, SW., Room 7266
Washington, DC 20410
202-402-2595 (Office) / 202-401-0053 (Fax)

#7. Property's Legal Description: Attach the legal description of subject property and identification of all buildings and structures and current use(s). Attach list of personal inventory to be conveyed with the property as found in the Notice of Availability.

Section III

Project Information: Your project description can be written on the application or submitted as an attachment.

Section IV

Budget: Your budget can be written on the application or submitted as an attachment. Applicant must show ability to maintain requested property.

Section V

Intergovernmental Review: Does your state require an Intergovernmental Review? Please check the following web site for your state Single Point of Contact (SPOC): <http://www.whitehouse.gov/omb/grants/>. If your state is listed, submit your application to your SPOC for review, obtain the SPOC's response, and attach to this application when submitted to DOJ. If your state is not listed, please check "C" for not applicable.

Section VI

National Environmental Policy Act (NEPA). Read and complete the attached Categorical Exclusion Checklist. Sign and attach supporting documentation as needed.

MPB
DOJ/PBC Single Use Application
2010

