



**U.S. Department of Justice, Office of Justice Programs in partnership with the
U.S. Department of Homeland Security, Federal Emergency Management Agency**

Federal Surplus Real Property Conveyance Program

Application and Guidance

for

Single or Joint Use

for

Correctional Facility, Law Enforcement, Fire and/or Emergency Management 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) 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

Federal Surplus Property Program
Department of Justice
Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street, NW
Washington, DC 20531
Office: (202) 616-6500 / Fax: (202) 305-1367
AskBJA@usdoj.gov

Public Benefit Conveyance/BRAC Coordinator
Federal Emergency Management Agency
Support Services and Facilities Management
Real Property Division
500 C Street, SW
Washington, DC 20472
Office: (202) 646-2605 / Fax: (202)-646-4668
PBC-BRAC-Coordinator@fema.gov

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 Real and Related Property 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. Eligible applicants include states, or political subdivisions or instrumentalities of states, proposing to use the subject property for law enforcement purposes, correctional facility purposes or emergency management response purposes, including fire and rescue services.

Non Base Realignment and Closure (BRAC) Buildings and Land

Section 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 and/or law enforcement purposes. Effective January 2010, this authority has been re-delegated, by the Assistant Attorney General of OJP, to the Director of the Bureau of Justice Assistance.

Section 553(b)(3) 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 Director of the Federal Emergency Management Agency for emergency management response purposes, including fire and rescue services.

Base Realignment and Closure (BRAC) Buildings and Land

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.

Our Role

OJP's Bureau of Justice Assistance (BJA) and the Department of Homeland Security Federal Emergency Management Agency (FEMA) review all applications and, when deemed appropriate, make 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 under the National Environmental Policy Act (NEPA). GSA, or DoD, then takes the applicant proposals and BJA/FEMA's determinations under consideration in advance of making appropriate federal surplus property conveyances to state and local public entities.

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." See 40 U.S.C. 553(b)(1) of the United States Code at <http://uscode.house.gov/search/criteria.shtml>. This aspect of the program is designed to alleviate crowded state and local correctional facilities.

An emergency is described by FEMA as any unplanned event that can cause deaths or significant injuries to employees, customers, or the public; or that can shut down business, disrupt operations, cause physical or environmental damage, or threaten a facility's financial standing or public image. The following qualifying events can be considered "emergencies":

- Fire
- Hazardous materials incident
- Flood or flash flood
- Hurricane
- Tornado
- Winter storm
- Earthquake
- Communications failure
- Radiological accident
- Civil disturbance
- Loss of key supplier or custom
- Explosion

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, FEMA, 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.

To review or obtain a copy of the federal statute and regulations governing this program (40 U.S.C. § 553 and 41 C.F.R. Parts 102-75.750 through 102-75.815), check the GSA web site at www.propertydisposal.gsa.gov for detailed information regarding this program and its broader purposes.

NON-DISCRIMINATION CLAUSE Section 102-75.360: The Grantee covenants for itself, its heirs, successors, and assigns and every successor in interest to the property hereby conveyed, or any part thereof, that the said Grantee and such heirs, successors, and assigns shall not discriminate upon the basis of race, creed, color, religion, sex, disability, age, or national origin in the use, occupancy, sale, or lease of the property, or in their employment practices conducted thereon.

Intergovernmental Review of Federal Programs

If a state has a Single Point of Contact (SPOC) that has been designated to facilitate an intergovernmental review of this program application at the state and local level, then applicable rules and regulations should be followed by the applicant. See Executive Order 12372 at <http://www.fws.gov/policy/library/rge012372.pdf> and 28 C.F.R. Part 30.

Application

BJA and/or FEMA are responsible for providing interested parties with an application kit. The attached application is designed to solicit relevant information so that BJA and FEMA can determine that the proposed use is appropriate and in compliance with applicable federal laws.

Please complete the attached application and submit by e-mail, according to your proposed use as indicated below:

1. Correctional Facilities or Law Enforcement Use: BJA – Laura.Mizhir@ojp.usdoj.gov
2. Fire & Emergency Management: FEMA – Adrian.Austin@fema.dhs.gov
3. Any other combination: BJA – Laura.Mizhir@ojp.usdoj.gov and FEMA – Adrian.Austin@fema.dhs.gov

Also, please send the application with the appropriate signatures and documentation by e-mail or on a compact disc (CD) to:

Laura Mizhir, Program Specialist
Bureau of Justice Assistance
810 Seventh Street, NW
Washington, DC 20531
Office: (202) 514-9438 / Fax: (202) 305-1367
Laura.Mizhir@ojp.usdoj.gov

Adrian Austin
Federal Emergency Management Agency
Support Services and Facilities Management Division
500 C Street, SW
Washington, DC 20472
Office: (202) 212-2099 / Fax: (202)-646-4668
Adrian.Austin@fema.dhs.gov

APPLICATION FOR FEDERAL SURPLUS PROPERTY PUBLIC BENEFIT CONVEYANCE (PBC)				OMB No.:	
DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY 300 D Street, SW., Washington, DC 20472			DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS / BJA 810 Seventh Street, NW., Washington, DC 20531		
PAPERWORK BURDEN DISCLOSURE NOTICE					
Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and impose the least possible burden on you to provide us with information. The estimated time to complete and file this application is three hours per application. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing and submitting the form. Comments regarding the accuracy of this estimate, or suggestions for making this form simpler, should be sent to the respective Information Collection Manager at the addresses given above.					
Purpose of Proposed PBC					
<input type="checkbox"/> Correctional Facility <input type="checkbox"/> Fire & Emergency Management <input type="checkbox"/> Law Enforcement					
SECTION I - APPLICANT					
1. APPLICANT'S NAME (Name of State or Local government)			2. ORGANIZATION (Department or Agency within State or local government)		
3. ADDRESS		4. CITY	5. COUNTY	6. STATE	7. ZIP CODE
8. CONGRESSIONAL DISTRICT(S)			9. PRIMARY POINT OF CONTACT		
10. TELEPHONE AND FAX NUMBERS			11. POINT OF CONTACT E-MAIL ADDRESS		
SECTION II - ORGANIZATION'S ACQUISITION AUTHORITY					
1. NAME & TITLE		2. ADDRESS		3. TELEPHONE & FAX	4. E-MAIL ADDRESS
5. GOVERNING LEGISLATION (Provide a copy and cite the governing legislation enabling applicant to receive or act on behalf of organization for the purpose of receiving federal property.)					
6. If the above-authorized agency is not the applicant agency, provide written delegation from the authorized agency to procure the requested property.					
SECTION III - 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 MILITARY OF INTEREST (Please attach notice.)		3b. DATE APPLICANT NOTIFIED DOJ AND/OR FEMA OF INTEREST (Please attach notices.)		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)					
5. 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.					
If you are seeking a determination for property under the Base Realignment and Closure (BRAC) program, complete items #6 & #7.					

6. **BRAC Only:** APPLICANT'S LOCAL REDEVELOPMENT AUTHORITY (Government recognized LRA Name, address, telephone & contact person. Attach LRA Plan)

7. **BRAC Only:** DEPT. OF HOUSING AND URBAN DEVELOPMENT DETERMINATION (Please attach letter)

SECTION IV - 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.
- 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 ensure 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. Federal Emergency Management Response and Fire and Rescue Renovation: Describe the State, local, or national authority standards or guidelines that will be met in designing, renovating, and operating an emergency management facility and the process and procedural requirements that must be met to assure compliance. Provide detailed description of design, type, and size of structure and interior floor plans.
- e. Provide a timeline for accomplishing renovation/construction and implementing activities after conveyance.

SECTION V - BUDGET

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 VI - INTERGOVERNMENTAL REVIEW

INTERGOVERNMENTAL REVIEW

- a. If Applicable: Attach copy of cover letter addressed to applicant's state Single Point of Contact 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 VII - ENVIRONMENTAL IMPACT

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.*" See attachment.

SECTION VIII - 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), (2) and/or (3) Title 40, United States Code, and agrees that the property will be used and maintained for correctional facility use, law enforcement purposes and/or fire and/or emergency management use 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)	OMB No.:
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DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY 300 D Street, SW., Washington, DC 20472	DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS / BJA 810 Seventh Street, NW., Washington, DC 20531
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**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
CATEGORICAL EXCLUSION CHECKLIST**

Property:
Address:
City, State and Zip Code:

Statement	Yes	No	If "Yes" provide explanation
A. Is the renovation/construction likely to be inconsistent with any applicable federal, state, tribal, or local law, regulation, or standard designed to protect any aspect of the environment?			
B. Is the renovation/construction likely to have results that are inconsistent with locally desired or designated plans for the project area or its surrounding area?			
C. Is the renovation/construction likely to change the previous use of the building or property?			
D. Will the renovation/construction adversely affect an important aspect of the natural environment such as a park, endangered species, or important wildlife habitat?			
E. Will the renovation/construction adversely affect a significant aspect of the socio-cultural environment?			
F. Is the renovation/construction likely to generate controversy on environmental grounds?			
G. Is the renovation/construction likely to result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials or in exposure of persons to such materials?			
H. Is the renovation/construction part of an ongoing pattern of renovation/constructions (whether under the control of GSA or others) that are cumulative and likely to have adverse effects on the human environment?			
I. Is the renovation/construction likely to either occur on a structure that is more than 50 years old or include ground disturbance of a previously undisturbed area? If yes, contact your State Historic Preservation Officer (SHPO) to initiate its review process.			Attach "No Effect" letter from SHPO.
J. Is the renovation/construction likely to have some other adverse effect on public health and safety or on any other environmental media or resources that are not specifically identified above?			
K. Is the renovation/construction either so highly controversial for environmental reasons or is likely to cause major adverse impacts that an environmental impact statement should be initiated rather than an environmental assessment?			

Signature of Certifying Official / Date	Title
Agency	

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

OMB No.:

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
300 D Street, SW., Washington, DC 20472

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 II

#1- 4. Provide the name, title, address, telephone number and e-mail address of official with legal authority to enter into contracts/deeds with the federal government for conveyance of real property.

#5. Provide a copy of the governing legislation enabling acquisition authority to receive or act on behalf of applicant for the purpose of receiving federal property.

Section III

#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. 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.

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

#7. 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
Office: (202) 402-2595 / Fax: (202) 401-0053

Section IV

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

Section VI

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

Section VII

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 VIII

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

CC/AA/DS

PBC Joint Use Application 2018