



BJA **Bureau of Justice Assistance**
Office of Justice Programs ■ U.S. Department of Justice

Federal Surplus Real Property Conveyance Program

Base Realignment and Closure (BRAC)

Corrections Facility and Law Enforcement Purposes

Application and Guidance

**Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice
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Contact Information

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Federal Surplus Real and Related Property Program

Background

The purpose of the Federal Surplus Real and Related Property Program (hereafter, Program) is to facilitate the no-cost public benefit conveyance of suitable federal land and buildings, as determined by the U.S. Attorney General to state and local governments for correctional facility use and law enforcement purposes. The Attorney General, has delegated authority to make these determinations to the Assistant Attorney General for the Office of Justice Programs (OJP). Eligible applicants generally include instrumentalities of state and local governments.

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.” (41 C.F.R. 102-75.765) Correctional facility use means “property required for criminal facility purposes or an appropriate program or project approved for the care or rehabilitation of criminal offenders.” (40 U.S.C. 553(b) (1)) This aspect of the program is designed to alleviate crowded state and local correctional facilities.

Eligibility

States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of 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.

Role of the General Services Administration (GSA)

Under 40 U.S.C. 553, GSA has final authority to convey the subject properties to eligible applicants who have been issued favorable OJP/DOJ determinations.

Role of the Bureau of Justice Assistance (BJA)

The Assistant Attorney General for OJP has delegated authority to BJA to process applications and make determination recommendations. BJA is responsible for the preparation, transmittal, and processing of Program applications. The Assistant Attorney General for OJP reserves authority to either concur or not concur with these recommendations prior to the issuance of Program determinations. Authority to approve or deny the subject property conveyance to an applicant rests solely with the Administrator of GSA.

BJA does not prioritize applications and urges applicants to resolve competing interests at the local level. If a conflict cannot be resolved at the local level, BJA will make a determination based on the merits of the proposed uses and the overall public interest to be served by each applicant.

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, instead, 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 representatives stating that their current program of use is consistent with those identified in the application.

Intergovernmental Review of Federal Programs

If a state has a single point of contact 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. (Executive Order 12372 and 28 C.F.R. Part 30)

Application

BJA is responsible for providing interested parties with an application kit. The application is designed to solicit relevant information so that BJA can determine that the proposed use is appropriate and in conformance with applicable federal laws. 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. From the left side of the screen, click on “About Property Disposal” then click on “Public Purposes” then “Laws Authorizing Conveyance for Public Use”.

The application can be completed but not submitted online due to the numerous attachments required. Completing the application online within the space provided will expedite the review process. To prevent delay in processing an application, please ensure that the information is complete and accurate; that the application is signed by the appropriate applicant representative; and that all relevant attachments are included. All attachments must clearly reference the application section and question to which they pertain. Please return the completed application to:

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Base Realignment and Closure (BRAC)

Applicants under BRAC must follow the same application process as applicants for the Federal Surplus Real Property Program. However, the AAG letter of determination is sent to the appropriate military department rather than GSA. The authority to determine the final disposition of the property and transfer of property rests solely with the Department of Defense. For more detailed information please refer to www.oea.gov

Federal Surplus Real Property Transfer Application

GSA Number: _____

Property Identification (Name): _____

Property Address: _____

Legal Description: _____

Base Realignment Identification (if applicable): _____

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. Signature is *required* to process application.

Certifying Representative Signature: _____

Printed Name and Title: _____ Date: _____

Attach any supporting documentation reflecting the applicant's delegation of authority to the certifying representative to act on his/her behalf with respect to this Program application.

Section I. Applicant/Recipient Data

1. Applicant/Recipient: _____

2. Certifying Representative's Name/Title:

(Person with legal authority to apply on behalf of the applicant)

a. Organizational Unit: _____

b. Address: _____

c. City: _____ d. County: _____

e. State: _____ f. Zip: _____

g. Contact Person: _____

h. Phone: _____ i. Fax: _____

j. E-mail: _____

k. Congressional District: _____

3. Property Availability

a. Date Applicant Advised BJA of Interest: _____
(Provide copy of communication)

b. Date Applicant Advised GSA of Interest: _____
(Provide copy of communication)

4. Title and Brief Description of Applicant Project

5. Intergovernmental Review of Federal Programs

a. Not applicable: _____

b. Date Application Submitted to State Single Point of Contact (SPOC) for review _____

c. Have you received a response from SPOC? _____ YES (Provide a copy)
_____ NO

Section II. Acquisition Authority

1. Identify the agency that is authorized by law to enter into contracts with the federal government for the conveyance of real property.

a. Provide a copy of the state enabling legislation and identify (highlight) the specific language or portion of the legislation that establishes that authority.

2. If the above authorized agency is not the applicant agency, provide a written delegation from the authorized agency to procure the requested property.

Section III. Real Property Acquisition Procedures

1. Describe key state and local laws and regulations governing acquisition of federal real property. This should include:

- criteria and procedures for locating property.
- facilities siting.
- obtaining local input and approvals, selection.
- legislative approval.
- purchase authorization/appropriations.
- major acquisition procedures and objectives to complete the real property acquisition process.

2. Provide a timetable for accomplishing the remaining real property acquisition procedures.

3. Estimate when acquired federal property would be ready for use.

Section IV. Description of Property

1. Legal Property Description. _____

2. Describe the current use of the property. _____

3. List all buildings and other structures located on the property. _____

4. If seeking conveyance of only a part of the total property (i.e., 1 of 3 buildings or only 2 of 5 acres) a metes and bounds survey must be attached to the application. Please shade or color the area and buildings you seek to obtain.

5. List all related personal property as described in the GSA Notice of Availability.

6. Identify the property's current zoning classification. _____

Section V. Narrative Answer Part A *or* B as it pertains to the proposed use.

A.. Correctional Use Narrative – Correctional use is defined as an appropriate program or project for the care or rehabilitation of criminal offenders.

Not Applicable _____

1. Describe the problem to be addressed and benefits to be achieved from the proposed correctional facility. Explain how the use of the property will help ease population strains on the capacity of existing facilities.

2. Describe the criminal offender group to be served.

3. Describe the correctional care and rehabilitation program/project activities (e.g., treatment, educational, social, training, and work programs.)
4. Identify the state or national authority, standards, or guidelines that will be met through the proposed correctional facility use.
5. Describe the process and procedural requirements that must be met to ensure compliance with correctional facility standards or guidelines.
6. In the absence of state or local authority, standards or guidelines, describe the standards and procedures that will be used to determine the appropriateness of the correctional programs.
7. Provide a timeline for accomplishing renovation or construction and implementing the program after the property is conveyed.

B. Law Enforcement Purposes Narrative – Law enforcement is defined as any activity involving the control or reduction of crime and juvenile delinquency, or enforcement of criminal law, including training and investigative activities such as laboratory functions.

Not Applicable _____

1. Describe the problem(s) to be solved and benefits to be achieved from the acquisition of the property. Explain how the use of the property will increase the capacity of existing law enforcement capabilities and facilities.
2. Describe the type of service to law enforcement that will be provided.
3. Describe the program/project activities (e.g., staff testing and/or selection, education, administration, social rehabilitative training, and work programs).
4. Describe state, local or national authority, standards, or guidelines that will be met in designing, implementing, and operating proposed law enforcement facility.
5. Describe the process and procedural requirement that must be met to ensure compliance with law enforcement facility and program use standards or guidelines.
6. In the absence of state or local authority, standards, or guidelines, describe the standards and procedures that will be used to determine the appropriateness of law enforcement programs operating on this property.
7. Provide a timetable for accomplishing renovation/construction and implementing the program after the property is conveyed.

Section VI. Funding

If funds are needed to operationalize or renovate the site or for construction, please complete the following. If funds are not needed please indicate that this section does not apply and proceed to section VII.

Not Applicable _____

1. Estimate the total funds needed to renovate or construct the correctional or law enforcement facility.
2. Describe the source of funds for renovation or construction. _____

3. Estimate when needed funds will be available. _____

4. Describe the process to obtain the needed funds. _____

5. Provide a timetable for acquiring needed funds. _____

Section VII. Security

1. Describe the standards and procedures to be used in managing the security, custody, control, and supervision of personnel with the proposed law enforcement use.

Not Applicable _____

2. Describe the physical characteristics (e.g., wall, fence, buffer zone, electronic, mechanical, patrol, and lighting) of the facility perimeter security system or if not applicable so indicate.

Not Applicable _____

3. Describe the policy and procedures governing the transportation of personnel outside the facility that will ensure the well-being of the public and staff.

Not Applicable _____

4. Describe the policy and procedures for notifying the public of a major emergency disruption that could endanger the well-being of the public.

Not Applicable _____

Section VIII. National Environmental Protection Act (NEPA) Requirement

Prior to making its recommendation, BJA is required to obtain environmental documents relevant to the proposed use. Such documentation, including the Applicant’s responses to the following “CATEX Checklist,” must be provided to allow reviewers to determine whether the proposed use constitutes a major federal action significantly affecting the human environment.

CATEX Checklist

All applicants for surplus property for law enforcement purposes or corrections facility use must complete the following checklist in order to comply with 41 U.S.C. § 102-75.785(d), which states:

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.

	YES	NO	Need DATA
A. Is the action likely to be inconsistent with any applicable federal, state, Indian tribal, or local law, regulation, or standard designed to protect any aspect of the environment?			
B. Is the action likely to have results that are inconsistent with locally desired social, economic, or other environmental conditions?			
C. Is the action likely to result in the use, storage, release, and/or dispose of toxic, hazardous, or radioactive materials, or in the exposure of people to such materials?			
D. Is the action likely to adversely affect a significant aspect of the natural environment?			
E. Is the action likely to generate controversy on environmental grounds?			
F. Is there a high level of uncertainty about the action's environmental effects?			
G. Is the action likely to do something especially risky to the human environment?			
H. Is the action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?			
I. Is the action likely to set a precedent for, or represent a decision in principle about, future GSA actions that could have significant effects on the human environment?			
J. Is the action 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?			

Signature of Certifying Representative

Date