



U.S. Department of Justice, Office of Justice Programs

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## **Public Benefit Conveyance Program**

### **Guidance and Application**

for

### **Correctional Facility and Law Enforcement Determinations**

#### **Eligibility**

The following entities are eligible to apply: 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 political subdivisions or instrumentalities of states that propose to use the subject property for law enforcement and/or correctional facility purposes.

#### **Deadline**

Base Realignment and Closure (BRAC) Buildings and Land: After federal approval of the Local Redevelopment Authority (LRA) plan

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

#### **Contact Information**

Public Benefit Conveyance 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](mailto:AskBJA@usdoj.gov)

## **Background**

The General Services Administration (GSA) promotes the effective use of federal real property assets and oversees the disposal of real property that is no longer mission critical to federal agencies. Through the Public Benefit Conveyance Program, surplus federal land and buildings are conveyed to public entities at no cost, pursuant to Title 40 United States Code (U.S.C.) 541 et seq. and applicable regulations.

## **Non Base Realignment and Closure (BRAC) Buildings and Land**

Section 553(b)(1) and (2) of Title 40 U.S.C. authorize 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 (A.G.) for correctional facility and/or law enforcement use. The authority to make such determinations has been delegated to the Director of the Bureau of Justice Assistance (BJA).

## **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 BRAC process and determined suitable by the Attorney General for correctional facility and/or law enforcement use. (See Pub. L.101-510, Section 2905(b), Title 10 U.S.C. Section 2687 note.) DoD's Office of Economic Adjustment (OEA) is the primary source for assisting communities that are adversely impacted by DoD program changes, including military base closures or realignments. To assist affected communities, OEA manages the Defense Economic Adjustment Program and coordinates the involvement of other federal agencies and the Local Redevelopment Authority (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.

## **The Bureau of Justice Assistance's Role**

OJP's Bureau of Justice Assistance (BJA) reviews all applications and, when deemed appropriate, provides 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. 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 government entities.

## **Disclaimer**

Please note that under Title 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.

## **Definitions**

"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. Section 102-75.765.

“Corrections facility” 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. Section 553(b)(1) of the United States Code. This aspect of the program is designed to alleviate crowded state and local correctional facilities.

### **Stipulations and Compliance**

The deed of conveyance for each and every surplus property stipulates that all of the subject property must always be used and maintained for the purpose(s) set forth in the Public Benefit Conveyance Program application. GSA will conduct periodic inspections of properties to ensure continuing compliance with the terms and conditions of the conveyance. Recipients can suffer hardship and financial loss if 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 being used as a mental health facility, the recipient would be deemed in noncompliance and the property would be subject to return to the federal government. Recipients must coordinate any proposed deviation, however minor, with BJA and GSA. Each recipient must also file an annual self-certification with their respective regional GSA or DoD representative stating that their current program of use is consistent with that identified in their application.

To review or obtain a copy of the federal statute and regulations governing the Public Benefit Conveyance Program (40 U.S.C. Section 553 and 41 C.F.R. Sections 102-75.750 through 102-75.815) and for detailed information regarding the Public Benefit Conveyance Program and its broader purposes, check the GSA website.

**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) designated to facilitate an intergovernmental review of this application at the state and local levels, then applicable rules and regulations should be followed by the applicant. See Executive Order 12372 at <http://www.fws.gov/policy/library/rgeo12372.pdf> and 28 C.F.R. Section 30.

### **Application**

BJA is responsible for providing interested parties with an application designed to solicit relevant information so that BJA can determine if the proposed use is appropriate and in compliance with applicable federal laws.

Please complete the application that follows this guidance, including your proposed use in the email subject line whether it is Correctional Facilities or Law Enforcement Use. Then send the application with the appropriate signatures and documentation by email to:

Brian Salerni  
 Program Specialist  
 Bureau of Justice Assistance  
 810 Seventh Street NW  
 Washington, DC 20531  
 Office: 202-856-8326 / Fax: 202-305-1367  
[Brian.Salerni@usdoj.gov](mailto:Brian.Salerni@usdoj.gov)

<b>APPLICATION FOR PUBLIC BENEFIT CONVEYANCE (PBC) PROGRAM</b>				
<b>DEPARTMENT OF JUSTICE</b> OFFICE OF JUSTICE PROGRAMS / BUREAU OF JUSTICE ASSISTANCE 810 Seventh Street NW, Washington, DC 20531				
<b>Purpose of Proposed PBC:</b> <input type="checkbox"/> Correctional Facility <input type="checkbox"/> Law Enforcement				
<b>SECTION I - APPLICANT</b>				
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 EMAIL ADDRESS		
<b>SECTION II – ORGANIZATION'S ACQUISITION AUTHORITY</b>				
1. NAME and TITLE	2. ADDRESS	3. TELEPHONE and FAX	4. EMAIL ADDRESS	
5. GOVERNING LEGISLATION (Provide a copy and cite the governing legislation enabling acquisition authority to receive or act on behalf of the applicant for the purpose of receiving federal property.)				
6. If the agency in #2 is not the applicant agency, provide a written delegation from the agency authorized to procure the requested property.				
<b>SECTION III – PROPERTY INFORMATION</b>				
1. PROPERTY IDENTIFICATION (name, city, and state)		2. GSA NUMBER (If applicable) or BASE REALIGNMENT IDENTIFICATION NUMBER		
3a. DATE APPLICANT NOTIFIED GSA or DoD OF INTEREST (Please attach Notice of Availability.)	3b. DATE APPLICANT NOTIFIED BJA OF INTEREST (Please attach notice of availability.)	4. DATE PROPERTY WILL BE AVAILABLE FOR CONVEYANCE		

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5. ASSIGNED GSA or OEA PROPERTY SPECIALIST (Name, regional office location, telephone number, and email address)

6. DESCRIPTION OF PROPERTY:

a. Provide a legal description of the subject property and identify all buildings, structures, and current use(s). Attach metes and bounds survey with aerial photos. Mark the 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 the Notice of Availability.

*If you are seeking a determination for property under the BRAC program, complete items 7 and 8.*

7. **BRAC Only:** APPLICANT'S LRA (Government-recognized LRA name, address, telephone number, and contact person. Attach the LRA plan.)

8. **BRAC Only:** HUD 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 a description of the security features for detention (electronic system, wall, fence, buffer zone, patrol, and lighting), transportation of detainees, and the policy and procedures for public notification of a major emergency (i.e., escapee) endangering the public. Provide a detailed description of the design, type, and size of the structure and interior floor plan.

d. Provide a timeline for accomplishing the renovation/construction and implementing the activities after conveyance.

**SECTION V – BUDGET**

BUDGET

a. Provide an estimate of the total funds needed to renovate, furnish, and/or remodel the requested property or to construct on the requested property and provide the projected costs to maintain it (include monthly upkeep, maintenance, utilities, landscaping, telephone, internet, etc.).

b. Identify source(s) of funds, the process to obtain the funds, and the projected date(s) when funds will be available.

c. Provide a timetable for acquiring funds, implementing the planned activities, and maintaining funding to sustain the requested property.

**SECTION VI – INTERGOVERNMENTAL REVIEW**

INTERGOVERNMENTAL REVIEW

- a. If applicable, attach a copy of the cover letter addressed to the applicant's state SPOC.  
Attach a copy of the response from the SPOC to the above notification.
- b. Not Applicable: Applicant state does not require an intergovernmental review.

**SECTION VII – ENVIRONMENTAL IMPACT**

ENVIRONMENTAL QUESTIONNAIRE

All applicants for surplus property for corrections facility or law enforcement purposes or use must complete the questionnaire to comply with 41 CFR Section 102-75.785(d) that states: "Any determination that DOJ submits to the disposal agency must provide complete information concerning the correctional facility or law enforcement response use including: . . . (d) The environmental impact of the proposed correctional facility or law enforcement use." See questionnaire that follows Section VIII – Certifications."

**SECTION VIII – CERTIFICATION**

**Application Certification:** I certify, under penalty of perjury, that the information in this application and in all supporting materials is accurate, true, and complete information as of the date of this application and the application has been duly authorized by the governing body of the applicant.

Certifying Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

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**DEPARTMENT OF JUSTICE**  
OFFICE OF JUSTICE PROGRAMS / BUREAU OF JUSTICE ASSISTANCE  
810 Seventh Street NW., Washington, DC 20531

**ENVIRONMENTAL QUESTIONNAIRE**

**Property:  
Address:  
City, State, and Zip Code:**

**Provide a narrative that explains the probable environmental effects of the proposed program of use on the particular property and its surrounding community, both in the short and long terms, based on the following criteria:**

**1.** Please describe the specific property that will be directly affected in terms of its current and proposed uses. If the land is in a natural state, please provide a brief description of the plant and animal lives.

**2.** Describe the surrounding area. Is it primarily residential, industrial, agricultural, etc.? Is the property in a rural, urban, or suburban area? Has the area been formally zoned for specific uses? Please provide a map of the immediate area covering approximately one square mile.

**3.** Broadly and briefly discuss the geography of the area, the wildlife, water and air qualities, area population, potential users of the services to be provided, the economy of the area, any current environmental concerns, and historic and cultural resources.

**4.** If the proposed property is in a floodplain or affects a floodplain, please list all pertinent restrictions (with citations) on land use under federal, state, and local laws and regulations and any actions the applicant proposes to mitigate foreseeable adverse effects.

**5.** Will the proposed activities directly or indirectly affect a wetland? Please list any pertinent federal, state, and local wetland regulations and any actions the applicant proposes to mitigate foreseeable adverse effects.

**6.** Will the proposed property and activities have a direct or indirect effect on any federal- or state-listed endangered species? If so, please describe any impacts and any actions the applicant proposes to mitigate foreseeable adverse effects.

**7.** Is it reasonably foreseeable that the proposed activities will have a direct or indirect effect on natural resources, land uses, or water uses in the coastal zone? If so, describe how the applicant will comply with the state's enforceable and mandatory coastal zone policies. Please describe any impacts and any actions the applicant proposes to mitigate foreseeable adverse effects.

**8.** Approximately how many vehicles will be introduced into the area on a daily basis as a result of the property's operation? Will there be any identifiable increased traffic in the surrounding area as a result of the property's proposed use?

**9.** How much water will the applicant use on the property in a normal day? What system will provide the water (name and address of system)? Will the sewage be handled by a sewage treatment facility? If so, please provide the name and address of the system.

**10.** Will the proposed use of the property likely result in the use, storage, release, and/or disposal of toxic, hazardous, or radioactive materials or in the exposure of people to those materials? If so, please describe these proposed activities and under what authority they will be regulated.

**11.** Will the proposed use of the property affect historic, cultural, or archaeological resources that exist either on the property or in the property's vicinity? Please describe any actions the applicant proposes to mitigate any adverse effects on, or access to, historic, cultural, or archaeological resources resulting from the proposed use. Please describe any plans to mitigate foreseeable adverse effects on such resources existing on the subject property.

**12.** Will the proposed use of the property require a variance from any federal, tribal, state, or local laws pertaining to any of the following: land, air, or water pollution; the visual environment; odors; public health; or noise? If so, please specify and describe any impacts as well as any actions the applicant proposes in order to mitigate foreseeable adverse effects.

**Name of the preparer:** \_\_\_\_\_

**Qualifications of the preparer:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Preparer's contact information, including mailing address, telephone number, fax number, and email:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature of certifying official / date**                      **title**

\_\_\_\_\_  
**Agency name**



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**DEPARTMENT OF JUSTICE**  
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810 Seventh Street NW, Washington, DC 20531

**Application Instructions and Required Attachments:**

You may complete this form by using MS Word to fill in the fields or attach your narratives to it.

**Section II**

#1–4. Provide the name, title, address, telephone and fax numbers, and email address of the 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. Attach notice of interest to GSA or DoD.

#3b. Attach notice of interest to BJA.

#6. Attach the legal description of the subject property and identify all buildings and structures and current use(s). Attach a list of personal inventory to be conveyed with the property as found in the notice of availability.

#7. BRAC Only: Attach applicant's LRA plan.

#8. BRAC Only: HUD determination on compliance with the Stewart B. McKinney Homeless Assistance Act. This can be received from your LRA or:

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**

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

**Section V**

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

**Section VI**

Does your state require an intergovernmental review? If required, submit your application to your SPOC for review; obtain the SPOC's response; and attach it to this application when submitting it to BJA. Check "b" if not applicable.

**Section VII**

Read and complete the separate Environmental Questionnaire. Sign and attach supporting documentation as needed.