

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 32-9003

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Civil Engineering

**GRANTING TEMPORARY USE OF AIR
FORCE REAL PROPERTY**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Department of Defense Directive 4165.06, *Real Property*; Department of Defense Instruction 4165.70, *Real Property Management*; and Air Force Policy Directive 32-90, *Real Property Management*. It explains procedures that apply for granting temporary use of real property owned or controlled by the Air Force worldwide, including the Air National Guard and Air Force Reserve units. It does not apply to Air Force Plants (Industrial Facilities), Defense Industrial Reserve Property. It does not apply to Base Closure and Realignment real property. It does not apply to housing privatization or other privatized functions of the Air Force. This publication may be supplemented at any level, but all direct Supplements must be routed to the Office of Primary Responsibility of this publication for coordination prior to certification and approval. The authorities to waive requesting wing/unit/Direct Reporting Unit/Forward Operating Agency level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction 33-360, *Publications and Forms Management*, Table 1.1 for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication Office of Primary Responsibility for non-tiered compliance items. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the Air Force Form 847, *Recommendation for Change of Publication*; route Air Force Forms 847 from the field through Major Command publications/forms managers. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-

363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document is substantially revised from the original instruction and must be completely reviewed. This revision updates and replaces Air Force Instruction 32-9003, *Granting Temporary Use of Air Force Real Property*, 19 August 97, in its entirety. This rewrite updates office symbols, outgranting procedures and approval processes, clarifies roles and responsibility, and adds tier waiver authority.

Chapter 1— TEMPORARY USE OF REAL PROPERTY	7
1.1. Conditions for Outgranting Air Force Property.	7
1.2. Roles & Responsibilities.	7
1.3. Types of Outgrants.	8
1.4. Order of Preference for Granting Use.	9
1.5. Standard Format.	9
1.6. Term End Dates.	9
1.7. Utilities and Services.	9
1.8. Facilities Board Approval.	10
1.9. Major Command Endorsement.	10
1.10. Environmental Documentation.	10
1.11. Administrative Costs.	11
1.12. Fair Market Value.	11
1.13. In-Kind Consideration.	12
1.14. Liability.	13
1.15. Nondiscrimination.	13
1.16. Political Affiliation.	13
1.17. Commercial Advertising.	13
1.18. Air Force Encroachment Management.	13
1.19. Public Safety.	13
1.20. Emergency Use of Real Property.	13

1.21.	McKinney-Vento Homeless Assistance Act (McKinney Act).	13
1.22.	Congressional Notification.	14
1.23.	Outgranting to Foreign Countries.	14
1.24.	Non-federal entities.	14
1.25.	Relocated, Replaced, or Disposed Air Force Facilities Resulting from an Outgrant.	14
1.26.	Outgranting that Includes Authority for Construction.	15
1.27.	Mineral Rights.	15
1.28.	Execution of Real Estate Instruments.	15
1.29.	Outgranting at Foreign Locations.	15
1.30.	Telecommunication Services.	15
1.31.	Decision Matrix.	15
1.32.	Processing Requests.	16
Table 1.1.	Outgrant Decision Matrix – Real Estate Instrument Type/Requirements.	16

Chapter 2— PERMITS 17

2.1.	Term.	17
2.2.	Statutory Authority.	17
2.3.	Congressional Notification.	17
2.4.	Administrative Expenses.	17
2.5.	Permit Consideration.	17
2.6.	Strategic Basing.	17
2.7.	Reimbursement of Services.	17
2.8.	Transfer or Assignment.	17
2.9.	Renewals.	17
2.10.	Amendments/Supplements.	18
2.11.	Improvements and Restoration of Air Force Real Property.	18
2.12.	Storing and Disposing of Department of Defense Hazardous or Toxic Materials.	18
2.13.	National Guard Controlled Air Force Real Property.	18

Chapter 3— LICENSES	19
3.1. Term.	19
3.2. The Air Force may issue licenses for non-exclusive use:	19
3.3. Statutory Authority.	19
3.4. Congressional Notification.	21
3.5. Competition.	21
3.6. License Consideration.	21
3.7. Strategic Basing.	21
3.8. Reimbursement.	21
3.9. Liabilities.	21
3.10. Assignments.	21
3.11. Renewals.	21
3.12. Amendments.	21
3.13. Improvements and Restoration of Air Force Real Property.	21
3.14. Nonappropriated Fund and Morale, Welfare, and Recreation Activities.	22
3.15. Non-federal entities.	22
3.16. Cable Television Service.	22
3.17. Educational Space.	22
3.18. Right of Entry.	22
3.19. Privately Sponsored Competition Events.	22
Chapter 4— EASEMENTS	24
4.1. Term.	24
4.2. Footprint.	24
4.3. Statutory Authority.	24
4.4. Environmental Monitoring.	24
4.5. Congressional Notification.	25
4.6. Competition.	25
4.7. Easement Consideration.	25
4.8. Deposit of Consideration.	25

4.9.	Strategic Basing.	25
4.10.	Reimbursement for Utilities and Related Services.	25
4.11.	Insurance.	25
4.12.	Assignments.	25
4.13.	Consent Agreements.	25
4.14.	Renewals.	25
4.15.	Amendments.	25
4.16.	Improvements and Restoration of Air Force Real Property.	25
4.17.	Notice to U.S. Department of the Interior for Withdrawn Lands.	26
Chapter 5—LEASES		27
5.1.	Lease Term.	27
5.2.	Statutory Authority.	27
5.3.	Congressional Notification.	27
5.4.	Competition Requirements.	27
5.5.	Lease Consideration.	28
5.6.	Deposit of Consideration.	28
5.7.	Strategic Basing.	28
5.8.	Reimbursements.	29
5.9.	Insurance.	29
5.10.	Assignments and Subleasing.	29
5.11.	Renewals.	29
5.12.	Amendments.	29
5.13.	Revocations.	29
5.14.	Terminations.	29
5.15.	Improvements and Restoration of Air Force Real Property.	29
5.16.	Scoring Requirements.	29
5.17.	Army and Air Force Exchange Service and Nonappropriated Fund/Morale, Welfare, and Recreation.	30
5.18.	Enhanced Use Leasing.	30

5.19.	McKinney Act Requirements.	30
5.20.	Taxing Leased Air Force Real Estate.	31
5.21.	Cost Related to the Use of Air Force Real Estate.	31
5.22.	Excess or Surplus Real Property.	31
5.23.	Public Schools.	31
5.24.	Credit Unions.	31
5.25.	Banks.	31
5.26.	Banks and Credit Unions on Air Force Occupied Property.	31
5.27.	Automated Teller Machine Service.	31
5.28.	Wireless Frequencies.	32
5.29.	Grazing and Cropland Leases.	32
5.30.	Non-federal entities.	32
5.31.	Lighthouse for the Blind.	32
Chapter 6— FOREIGN LOCATIONS		33
6.1.	Outgranting at Foreign Locations.	33
6.2.	Subletting at Foreign Locations.	34
6.3.	Non-exclusive Use.	34
6.4.	Exceptions.	34
Attachment 1— GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION		35
Attachment 2— OUTGRANTING MINERAL RIGHTS		44
Attachment 3— OUTGRANTING SPACE TO CREDIT UNIONS		46
Attachment 4— TITLE V PROPERTY SURVEY		47
Attachment 5— OUTGRANTING PUBLIC SCHOOLS		51

Chapter 1

TEMPORARY USE OF REAL PROPERTY

1.1. Conditions for Outgranting Air Force Property. Temporary use of Air Force real property may be granted to non-Air Force entities if all the following apply:

- 1.1.1. The property is not excess to Air Force needs.
- 1.1.2. The Air Force is not currently using the property.
- 1.1.3. The proposed use will not interfere with the mission.
- 1.1.4. The proposed use is not at the expense of the Air Force, unless otherwise exempt.
- 1.1.5. The proposed use is compatible with the Air Force security and safety requirements.

1.2. Roles & Responsibilities.

1.2.1. Assistant Secretary of the Air Force for Installations, Environment, and Energy (SAF/IE). Responsible for the formulation, review, and execution of plans, policies, programs and budgets for installations, environment, safety, infrastructure, and energy.

1.2.2. Deputy Assistant Secretary of the Air Force for Installations (SAF/IEI). Provides overall guidance and direction for real estate management, privatization, installation planning, basing, base closure and realignment, environmental impact analysis, encroachment management, and community partnerships.

1.2.3. Air Force Civil Engineer Center Installations Directorate (AFCEC/CI). Responsible for all Air Force real property acquisition, management, and disposal actions. AFCEC/CI may execute outgrants within the re-delegation authority of SAF/IEI.

1.2.3.1. Air Force Civil Engineer Center/Real Property Management Division (AFCEC/CIT). Provides guidance to major commands and installations relating to real property management and real estate transactions. Processes all final actions for approval at delegated authority or higher headquarters authority.

1.2.3.2. Air Force Civil Engineer Center/Real Estate Development Division (AFCEC/CIU). Designated organization to manage the Air Force's Enhanced Use Lease (EUL) program. Provides guidance to major commands and Installations relating to the identification, management, and execution of Enhanced Use Leases.

1.2.3.3. Air Force Civil Engineer Center/Facility Engineering Directorate Europe (AFCEC/CFEE). The primary point of contact for all Air Force real estate actions in foreign countries within United States Air Forces in Europe (USAFE) and Air Forces in Africa (AFAFRICA).

1.2.3.4. Air Force Civil Engineer Center/Facility Engineering Directorate Pacific (AFCEC/CFPE). The primary point of contact for all Air Force real estate actions in foreign countries within the Pacific Air Forces (PACAF), to include Alaska and Hawaii.

1.2.4. Secretary of the Air Force General Counsel for Installations, Energy and Environment Law (SAF/GCN). Provides legal advice and counsel to SAF/IE, SAF/IEI, and AFCEC/CI on real estate decisions. Instrumental in developing and evaluating changes to standard real estate templates for Air Force use.

1.2.5. Major Commands (MAJCOM). Provides mission and/or operational endorsement of any proposed real estate action for land controlled by that command. The intent of the endorsement is for the major command to ensure all proposed real estate actions are in the best interest of the Air Force and do not conflict with any basing or strategic planning actions at the major command level.

1.2.6. Installation Commander. Installation Commander has overall responsibility for the efficient and effective use of Installation real property. Executes authorities for outgrants within re-delegation authority from AFCEC/CI. Installation Commander will have qualified real property support and adhere to the requirements as stated in this Air Force Instruction to exercise outgrant authority. The term qualified real property support is explained in the re-delegations of authority provided to the installation by AFCEC/CI. **(T-2)**.

1.2.7. Base Civil Engineer (BCE). Reviews all proposed real property actions for impacts to current Air Force real property needs and recommends any proposed alternatives to the Installation Commander. **(T-3)**. Responsible for Installation real property asset management to include mandated compliance with Department of Defense and Congressional requirements as stated in this Air Force Instruction or as subsequently added to or amended by the same.

1.2.8. Real Estate Office/Real Property Office (REO/RPO). Ensures proper preparation of all real estate instruments and completes activities in accordance with this instruction and processes all actions to completion. **(T-3)**. Maintains the official file for all real estate transactions to include all executed agreements and all supporting documentation. **(T-3)**.

1.2.9. Air Force Reserve Command (AFRC). Provides guidance and endorsement to Reserve Installations relating to real estate transactions.

1.2.10. Air National Guard (Air Force).

1.2.10.1. National Guard Bureau for Air National Guard (Air Force). National Guard Bureau (NGB) acts as both a Headquarters and Major Command on the behalf of Air Force. Provides guidance and endorsement to Air Force Installations relating to real estate transactions and acts as the channel for all communication between the Department of the Air Force and the states for all Air Force matters. Reference: 10 United States Code § 10503, *Functions of National Guard Bureau: Charter*

1.2.10.2. Installation Commanders for Air National Guard do not have delegated authority to execute outgrants.

1.2.11. United States Army Corps of Engineers (USACE). Serves as custodian of legal records concerning Air Force real property. May provide technical support services on an as needed basis. May serve as real estate agent for Air Force Installations for certain Air Force Installation transactions when requested. Reference: Air Force Joint Instruction 32-9006, *Army and Air Force Basic Real Estate Agreements*.

1.2.12. General Services Administration (GSA). General Services Administration may provide technical support services (title, surveys, appraisals, etc.) when requested and available.

1.3. Types of Outgrants. When conveying an interest in Air Force real property, four types of real estate instruments are issued as outgrants, as noted in the following:

1.3.1. Permit: Grants exclusive or non-exclusive use from the Air Force to another Department of Defense or Federal agency with stated conditions for use of the property, and all interest in the real property remains with the United States of America.

1.3.2. License: Grants non-exclusive use of real property for a short term and may be terminated at the will of the Air Force. A license is granted for a specific purpose and conveys a privilege to use and occupy real property at Air Force discretion.

1.3.3. Easement: Grants the use of property for a specific purpose. The Air Force continues to own the underlying land but may not interfere with the use and purpose of the easement.

1.3.4. Lease: Grants exclusive use and possession of real property for a defined term in return for rent or other consideration.

1.4. Order of Preference for Granting Use. Multiple requests for the use of the same Air Force real property should be outgranted based on the following prioritized order:

1.4.1. Appropriated fund activities of the DoD Component serving as host at the installation and non-DoD entities which directly support the host's mission on the installation.

1.4.2. Non-appropriated fund activities of the DoD Component serving as host at the installation.

1.4.3. Other DoD Components and non-DoD entities which support the mission of the DoD Component serving as host at the installation.

1.4.4. Other DoD Components.

1.4.5. Other Federal Agencies whose mission on the installation is closely associated with the national defense mission.

1.4.6. Other Federal Agencies.

1.4.7. Non-Federal governmental entities, with preference given to State governmental entities.

1.4.8. All others.

1.5. Standard Format. SAF/GCN-approved standard templates must be used for all outgrant real estate instruments. (T-2). The appropriate standard template is available on the Air Force Portal, AFCEC/CIT web site. Any substantive changes to the templates must be submitted through AFCEC/CIT for approval by SAF/GCN. (T-2).

1.6. Term End Dates. Real Estate Office initiates procedures for the renewal option (if stated in the agreement) or a new outgrant if space is still required and the property remains available. (T-3). Initiate termination if appropriate. (T-3). Terminations procedures may start two years in advance for leases greater than 25 years. Real Estate Office reviews all leases 9 months prior to expiration and informs lessee. (T-3).

1.7. Utilities and Services. Reference Air Force Instruction 32-1061, Providing Utilities to U.S. Air Force Installations, to determine when utilities and other services are supplied with or without reimbursement. Users may be required to reimburse the Air Force for operations and maintenance, support services, utilities, or restoration under the terms of the outgrant or by separate agreement. (T-2).

1.8. Facilities Board Approval. Facilities Board approval is the first step in the outgranting approval process after an official request is received. All outgrants are required to have Facilities Board approval prior to any expenditure of Air Force funds or resources. A copy of the official request and Facilities Board approval or minutes must be maintained in the outgrant file for audit purposes. **(T-2)**. If the proposed outgranting action involves range land, include the Range Operating Authority in the Facilities Board approval process. Reference: Air Force Instruction 32-10142, *Facilities Board* and Air Force Instruction 13-212V1, *Range Planning and Operations*.

1.9. Major Command Endorsement. If delegated authority exceeds Installation Commander's approval authority, the Installation Real Estate Office shall ensure coordination with appropriate major command office for operational and/or mission impact of the proposed outgrant. **(T-2)**.

1.9.1. Ensure sufficient documentation is provided to the major command functional office to evaluate operational/mission impact of the proposed outgrant. At a minimum, include official request, proposed use, term, and location maps/drawings. **(T-3)**.

1.9.2. Retain the endorsement in the outgrant file and provide a copy of major command endorsement as part of the final request package. **(T-3)**.

1.9.3. Air Force Reserve Installations will provide documentation to Air Force Reserve Command or National Guard Bureau for endorsement and forwarding if required. **(T-2)**.

1.10. Environmental Documentation. Real Estate Office initiates the Air Force Form 813, Request for Environmental Impact Analysis, and coordinates with the appropriate office to ensure an Environmental Baseline Survey or waiver is prepared. **(T-0)**. References: 40 Code of Federal Regulations 1500, Purpose, Policy and Mandate et. al - CEQ National Environmental Policy Act Regulations and 32 Code of Federal Regulations 989, Environmental Impact Analysis Process.

1.10.1. New outgrants of property require an Environmental Baseline Survey or waiver. **(T-1)**. The Environmental Impact Analysis Process Manager coordinates with the Real Estate Office when the installation plans and programs for Environmental Baseline Survey requirements. **(T-1)**. Reference: Air Force Instruction 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*

1.10.2. In accordance with Air Force Instruction 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*, an exit Environmental Baseline Survey is accomplished for property removed from an outgrant by an amendment or upon termination. **(T-1)**.

1.10.3. Endangered Species. If applicable, ensure outgrants comply with the Endangered Species Act of 1973, as amended, and other applicable wildlife laws and regulations. The installation Integrated Natural Resources Management Plan should also be reviewed and include appropriate restrictions in the outgrant when necessary. **(T-0)**. References: 16 United States Code §§ 1531-1544, *Endangered Species Act of 1973* and Air Force Instruction 32-7064, *Integrated Natural Resources Management*.

1.10.4. **Historic and Cultural Preservation.** **If applicable, ensure outgrants comply with** the National Historic Preservation Act of 1966 (16 United States Code §§ 470) and the Archeological Resources Protection Act of 1979 (16 United States Code §§ 470aa-mm) **(T-0)**. The installation Integrated Natural Resources Management Plan should also be reviewed and include appropriate restrictions when necessary. **(T-0)**. References: 16 United States Code §§ 470 et seq., Short title; Congressional findings and declaration of policy, 36 Code of

Federal Regulations Part 800, Protection of Historic Properties, and Air Force Instruction 32-7065, Cultural Resources Management.

1.10.5. Flood Plains, Flood Hazards, and Wetlands. If applicable, ensure outgrants evaluate and address the restrictions and requirements for flood plains and wetlands pursuant to Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetlands, respectively. References: 32 Code of Federal Regulations 989, Department of Defense Instruction 4715.03, Natural Resources Conservation Program, and Air Force Instruction 32-7064. (T-0).

1.10.5.1. Consider the ability to protect against projected climate change impacts, especially in coastal areas and inland areas prone to flooding. When non-Federal public or private parties want to use Government-owned wetlands and or floodplains, make sure the agreement includes the restrictions of Federal, state, or local wetlands and/or floodplain regulations, and take into consideration their ability to protect against climate change impacts. Any Air Force wetlands and/or floodplains others request to use must be treated in accordance with Air Force Instruction 32-7064.

1.10.6. Storage, Treatment, and Disposal of Non-Department of Defense Hazardous or Toxic Materials. Unless specifically exempted, the Air Force does not permit the storage, treatment, or disposal of non-Department of Defense-owned hazardous or toxic materials on Air Force real property. See 10 United States Code § 2692, Storage, treatment, and disposal of nondefense toxic and hazardous materials, Air Force Manual 91-201, Explosives Safety Standards, and Air Force Instruction 32-3001, Explosives Ordinance Disposal (EOD) Program, for more details. (T-0).

1.10.6.1. The outgrant must state the Grantee will remediate all real property contamination or reimburse the Air Force for all decontamination work. (T-0).

1.10.6.2. The Grantee must meet all applicable Federal, State, and local environmental protection policies, laws and regulations, and provide the Air Force copies of all operating logs at the conclusion of the grant period. (T-1).

1.10.6.3. The Grantee will ensure the appropriate environmental regulatory authorities certify that the Air Force real property requires no further cleanup or agrees on specific remedial measures. (T-1).

1.10.7. In foreign locations, country-specific Federal Governing Standards apply. If no Federal Governing Standards exists, the Overseas Environmental Baseline Guidance Document applies. (T-1).

1.11. Administrative Costs. Administrative costs (appraisal, survey, etc.) will be paid by the requestor unless there is a direct benefit to the Air Force of the outgrant. Costs shall be paid directly to the service provider or as a reimbursement to the Air Force. (T-2). Reference: Title 10 United States Code Section (§) 2695, *Acceptance of Funds to Cover Administrative Expenses Relating to Certain Real Property Transactions*.

1.12. Fair Market Value. Air Force must receive at least fair market value for outgrants of real property. (T-2). Exceptions may be authorized by statute and are detailed in subsequent chapters. (T-2).

1.12.1. Waiver Valuation. The Air Force may use the Waiver Valuation procedures, as adopted by AFCEC/CI, to determine fair market value for uncomplicated, low value (not to exceed \$25K) and non-controversial properties in lieu of appraisals.

1.12.1.1. Installation Real Property Accountable Officer shall request AFCEC/CIT approval to provide waiver valuations when the following criteria is satisfied **(T-2)**:

1.12.1.1.1. The Installation Real Property Accountable Officer must be a federal government civilian employee with at least three years' 1170 career field experience, and

1.12.1.1.2. Real Property Accountable Officer must have successfully completed Air Force Institute of Technology 424, Real Property Management, Advanced Realty Course and the Air Force Institute of Technology Waiver Valuation Course, and

1.12.1.1.3. Real Property Accountable Officer must have at least one years' experience at the local installation.

1.12.1.2. Installation Real Property Accountable Officer with AFCEC/CIT approval may provide waiver valuation for properties with an annual rental value of \$10K or less; in such instances, the summary report may be approved at the installation level. The summary report for properties with an annual rental value up to \$25K may be approved by AFCEC/CIT.

1.12.2. Appraisal. Outgrants with an estimated value greater than \$25K require an appraisal. **(T-1)**. The appraiser for the Air Forces uses the standards from the *Uniform Appraisal Standards for Federal Land Acquisitions*, referred to as "the Yellow Book," consistent with the *Uniform Standards of Professional Appraisal Practice*. **(T-0)**.

1.12.2.1. Appraisals must be prepared by a state licensed and/or certified general appraiser or a qualified Federal government appraiser. **(T-1)**. General appraisers must hold the Member Appraisal Institute (MAI) designation; government appraisers, while exempt from the requirement, are preferred to have the MAI designation. **(T-1)**. All appraisers must be state certified and should demonstrate experience valuing similar properties and be familiar with the market where the property is situated. **(T-1)**.

1.12.2.2. All appraisals must be reviewed by a Federal government review appraiser. All reviews shall be supported by a memorandum discussing the reviewer's analysis, findings, and the reviewer's qualifications to conduct the review. **(T-1)**.

1.12.2.3. If the fair market value appraisal is more than one year old or market conditions have not changed, contact AFCEC/CIT Action Officer to determine if an updated value and/or appraisal must be obtained. **(T-2)**.

1.12.2.4. If significant changes to market, property conditions or parcel have changed, regardless of the age of the appraisal, a new appraisal must be obtained. **(T-2)**.

1.13. In-Kind Consideration. In-kind consideration may be accepted to satisfy some or all of the rent in the amount not less than fair market value. **(T-3)**. Reference: 10 United States Code § 2667(c), *Leases: non-excess property of military departments and Defense Agencies*

1.13.1. All in-kind consideration must be validated by the appropriate Air Force functional office. **(T-2)**. Examples include: the value of environmental restoration service must be

validated by the environmental office or the value of a construction project must be validated by the programming office. Documentation, such as Air Force estimates for similar projects, work, or services, must be maintained in the outgrant record to support the validation. (T-3).

1.13.2. Types of in-kind consideration may vary, however, all types must have value to the United States. (T-2). For example, services provided by the Grantee as part of their operations, as authorized in the outgrant, may be included as in-kind consideration, if benefit to Air Force is provided.

1.14. Liability. Grantee must provide proof of insurance for loss or damage to Air Force real property and for third-party bodily injury and property damage in an amount sufficient to cover Air Force interest as determined by person exercising delegated authority to execute outgrant. (T-3). Packages should document some form of risk assessment to demonstrate insurance coverage is sufficient, particularly in situations where the grantee has requested to conduct high risk or potentially hazardous activities. Grantees may be asked to provide or fund risk assessments when appropriate. Self-insured users must provide documentation of self-insurance. (T-3).

1.15. Nondiscrimination. Granting the use of Air Force real property must be without regard to race, sex (including pregnancy, gender identity, and sexual orientation), color, religion, national origin, age, genetic information, or disability.

1.16. Political Affiliation. The Air Force shall not allow the use of facilities by any candidate (either incumbent or new office seeker), members of their staff, or their campaign representatives for political campaigns, parties, or causes (regardless of sponsorship), press conferences, or any other activity that could be construed as partisan in nature. (T-0). Reference: Department of Defense Instruction 4165.70.

1.17. Commercial Advertising. Users will not post or erect private billboards or signs on Air Force real property. (T-2).

1.18. Air Force Encroachment Management. Outgrants must not cause encroachment of Air Force or supported military missions and, specifically, must not conflict with criteria in Air Force Instruction 32-7063, *Air Installation Compatible Use Zone Program (AICUZ)*, for land use compatibility and height restrictions.

1.18.1. Outgrants must be consistent with standards established in operations, planning, and encroachment management programs. Reference Air Force Instruction 90-2001, *Encroachment Management*.

1.18.2. In case there is an encroachment, an outgrant may not be granted until the encroachment is mitigated satisfactorily.

1.19. Public Safety. The Installation Commander shall not allow organizations to use Air Force real property contaminated by explosives, hazardous or toxic materials, or other potentially harmful elements without appropriate land use controls. (T-2).

1.20. Emergency Use of Real Property. During an emergency or major disaster, Air Force property may be made available to Federal, State, or local governmental authorities without granting a real estate instrument prior to entry. Continued use should be documented in a real estate instrument as soon as practicable.

1.21. McKinney-Vento Homeless Assistance Act (McKinney Act). Applies to Federal real property designated as unutilized, underutilized, or excess for use to assist homeless persons. The

United States Department of Housing and Urban Development establishes, oversees, and guides all Federal agencies on the procedures required per the McKinney Act for outgrants. See Attachment 4 for Title V Property Survey Federal Property Information Checklist. Reference: 42 United States Code § 11411, *Use of Unutilized and Underutilized Public Buildings and Real Property to Assist the Homeless*, 10 United States Code § 2556, *Shelter for the Homeless, Incidental Services* and 24 Code of Federal Regulations 581, *Use of Federal Real Property to Assist the Homeless*.

1.21.1. The McKinney Act does not apply to the following properties:

1.21.1.1. Machinery and Equipment.

1.21.1.2. Interest in mineral rights and air space.

1.21.1.3. Easements.

1.21.1.4. Properties covered by special legislation or under a court order.

1.21.1.5. Property interest subject to reversion.

1.21.2. Department of Defense Instruction 4165.65, Shelter for the Homeless Program, assigns responsibilities and prescribes procedures for providing shelter for the homeless on military installations.

1.22. Congressional Notification. Outgrants shall be reported to Congress prior to execution of the grant when one of the criteria identified by statute is met. **(T-0)**. Reference: 10 United States Code § 2662, *Real Property Transactions: reports to congressional committees*.

1.22.1. Notices are submitted to Congress on the last Friday of each month. Allow for appropriate processing time when submitting transactions that require congressional notification.

1.23. Outgranting to Foreign Countries. Use of real estate on Installations within United States by foreign countries may be covered by treaty or other agreement with the United States. This type of agreement may control the type of support and facilities to be provided.

1.24. Non-federal entities. Non-Federal entities are self-sustaining organizations, incorporated or unincorporated, that are not agencies or instrumentalities of the Federal Government. Membership in these organizations consists of individuals acting exclusively outside the scope of any official capacity as officers, employees or agents of the Federal Government. Non-Federal entities include state, Indian tribal, or local governments as well as for-profit commercial entities, nonprofit organizations, and private organizations recognized by the installation commander per Air Force Instruction 34-223, Private Organizations (PO) Program. Grants to non-Federal entities for space, facilities, or land are subject to the following requirements:

1.24.1. Shall not exceed five years. **(T-2)**.

1.24.2. See Chapter 3 of this Air Force Instruction for requirements when granting licenses.

1.24.3. See Chapter 5 of this Air Force Instruction for requirements when granting leases.

1.25. Relocated, Replaced, or Disposed Air Force Facilities Resulting from an Outgrant. If a proposed outgrant impacts existing Air Force facilities, at the discretion of the Base Civil

Engineer, the Grantee may be required to relocate or dispose of Air Force facilities situated on the proposed outgranted area at no cost to the Air Force.

1.25.1. For disposals, all requirements in Air Force Instruction 32-9004, Disposal of Real Property, must be met. (T-2).

1.25.2. For replacement facilities, follow the requirements of Air Force Instruction 32-1021, Planning and Programming Military Construction (MILCON) Projects.

1.25.3. Air Force will be given fee title to any replacement facilities. (T-2).

1.25.4. The following supplemental information must be documented:

1.25.4.1. Base Civil Engineer statement that there is a continuing military need for the facility. (T-2).

1.25.4.2. Master layout showing the location of the outgranted property and the relocated, replaced, or disposed facility. (T-2).

1.25.4.3. Facts on the financial arrangements for the facility (NOTE: There will be no cost to the Air Force). (T-2).

1.25.4.4. Department of Defense Form 1391, *FY__ Military Construction Project Data*, or equivalent.

1.26. Outgranting that Includes Authority for Construction. When a grantee intends to construct on Air Force land, the outgrant real estate instrument must address:

1.26.1. A requirement grantee provide as-built drawings upon construction completion. (T-2).

1.26.2. Ownership of the constructed facility. (T-2).

1.26.3. Grantee's obligation to remove constructed facility at the end of outgrant. (T-2).

1.26.4. When constructed facilities are accepted as in-kind consideration, the valuation shall consider the remaining useful life of facility at the end of grantee's use of property and discount for any restoration or demolition costs. (T-2).

1.27. Mineral Rights. See Attachment 2 for details on outgranting mineral rights.

1.28. Execution of Real Estate Instruments. Once all approvals are obtained, the Grantee will sign first to accept the Government's terms and conditions. (T-3). The real estate instrument may be signed by both parties simultaneously if a ceremony is conducted.

1.29. Outgranting at Foreign Locations. See Chapter 6 for these requirements.

1.30. Telecommunication Services. Cable television and non-wireless telephone service providers may be granted easements for the installation and operation of telecommunication facilities. See Chapter 4 for easement guidance.

1.31. Decision Matrix. To determine the appropriate real estate instrument and interest to be given and associated requirements, use the matrix provided at Table 1-1.

1.32. Processing Requests. Processes and required documentation for requests above Installation level are provided in the Real Estate Transaction Playbook located on the Civil Engineer Portal of the Air Force Portal:

<https://cs2.eis.af.mil/sites/10041/CEPlaybooks/RET/Narrative%20Documents/RET%20Playbook%20V2o2.pdf#search=RET%20Playbook>

Table 1.1. Outgrant Decision Matrix – Real Estate Instrument Type/Requirements.

Evaluation Factors	Permit	License	Easement	Lease	Right of Entry (License)
Exclusive Use	X	-	X	X	-
Non-Exclusive Use	X	X	X	-	X
≤5 year Term	X	X¹	X	X¹	X
≥20 year Term	X	-	X	X¹	-
Construction	X	X²	X	X	-
<1 year Processing Time*	X	X	X	X	X
1-3 year Processing Time	-	-	X	X	-
Federal Agency	X	-		-	-
Fair Market Value	X³	X³	X³	X	-

Note:*Processing time begins from date of request and ends upon real estate instrument execution.¹ Term may be longer with approval.

² Only construction for monitoring wells or remediation systems is authorized under a license.

³ May be exempt by statute (see corresponding Chapter in this Air Force Instruction).

Chapter 2

PERMITS

2.1. Term. Limit permits to the actual time required for the proposed use. (T-2).

2.2. Statutory Authority. No statute specifically authorizes permits; the Air Force issues permits granting use of real property under their control to other Federal agencies under 10 United States Code § 8013, Secretary of the Air Force.

2.2.1. Post Offices. Space shall be provided under the authority of 39 United States Code § 406, *Postal Services at Armed Forces Installations*. (T-0). The Air Force will issue a permit with an appropriate support agreement.

2.3. Congressional Notification. Congressional notification is required by 10 United States Code § 2662(a)(1)(F), for modification or termination of a permit where substantial investment is proposed or has been made by the military department. (T-0). Process modifications or terminations of permits that may need to be reported to Congress through AFCEC/CI. (T-0).

2.4. Administrative Expenses. The Air Force shall not pay administrative expenses for granting a permit. (T-1).

2.5. Permit Consideration. Permits to federal agencies for the use of Air Force real property are issued without charge of fair market value. (T-2).

2.6. Strategic Basing. All permit requests with a term greater than five years, including all options for renewal, will include a strategic basing approval in accordance with Air Force Instruction 10-503, Strategic Basing. (T-1).

2.7. Reimbursement of Services. Permittees shall reimburse the Air Force for utilities and services in accordance with Air Force Instruction 32-1061 and Air Force Instruction 65-601V1, Budget Guidance and Procedures. (T-1).

2.7.1. Host-Tenant Support Agreements and Interservice, Interdepartmental, and Interagency Support Agreements document the use of Air Force real property and reimbursement for utilities and services. Both a permit and an interservice support agreement are required. (T-2). Reference: Air Force Instruction 25-201, *Intra-Service, Intra-Agency, and Inter-Agency Support Agreements Procedures*.

2.7.1.1. Exceptions: Army and Air Force Exchange Services and Defense Commissary Agency do not require a permit as they are designated by the Secretary of the Defense. (T-0). Reference: 10 United States Code § 2481, *Defense Commissary and Exchange Systems: Existence and Purpose*, and Department of Defense Directive 5105.55, *Defense Commissary Agency (DeCA)*.

2.8. Transfer or Assignment. Do not transfer or assign use of Air Force real property conveyed by permit without prior approval. (T-2).

2.9. Renewals. The permit may include a specific clause authorizing a renewal of the permit. Signature authority is based on the total term, including the initial term plus renewal option period(s).

2.10. Amendments/Supplements. Permits may be amended for general clauses, description, scope, duration or cost.

2.11. Improvements and Restoration of Air Force Real Property. Permittees must remove their property and improvements from the permitted land or buildings unless otherwise agreed to. (T-2).

2.11.1. If the permittee does not remove improvements and restore property, the Installation Commander may:

2.11.1.1. Take title to, but not pay for, the improvements.

2.11.1.2. Remove the improvements and charge the permittee for all restoration costs.

2.11.2. The permittee must repair or reimburse the Air Force for all damages to Air Force real property caused by the permittee. **(T-2).**

2.12. Storing and Disposing of Department of Defense Hazardous or Toxic Materials. The Air Force may allow other Department of Defense components to store and dispose of such materials when an agreement or arrangement are made in advance. Otherwise, the storage or disposal of non-Department of Defense hazardous or toxic materials on Air Force real property is prohibited by 10 United States Code § 2692, *Storage, treatment, and disposal of nondefense toxic and hazardous materials* with limited exceptions. See Chapter 1 for more details.

2.13. National Guard Controlled Air Force Real Property. SAF/IEI or AFCEC/CI issues permit to other military departments to use Air Force real property the Air National Guard controls or manages at a public airport.

2.13.1. Execute an interservice support agreement to satisfy the host simultaneously with permit. **(T-3).**

2.13.2. Air National Guard installation commander is the manager responsible for operating support and military use of the public airfield. **(T-3).**

2.13.3. The installation commander controls the permitted real property. **(T-3).**

2.13.4. The permittee unit commander shall observe the installation rules, regulations and directives for the installation's operation. **(T-3).**

2.13.5. The permittee unit commander shall coordinate with the installation commander to carry out all activities that may affect the installation management and operation. **(T-3).**

Chapter 3

LICENSES

3.1. Term. Limit license to the actual time required for the proposed use. (T-2).

3.2. The Air Force may issue licenses for non-exclusive use:

3.2.1. Borrow Pits: Issue a no-cost license to a State or other political subdivision for removing materials from borrow pits for constructing or maintaining a road within the Air Force Installation.

3.2.2. Temporary occupancy of empty dormitories.

3.2.3. Activities of a minor nature or short duration. Include a provision in the license that the user must remove any Grantee improvements upon expiration. (T-3).

3.2.4. Government Furnished Property and Services. A contract for direct mission support that provides space use for the contractor within a government facility must be specifically stated in the Performance Work Statement and does not require a separate real estate instrument. (T-3). If a real estate instrument is required through the contract, issue a no-cost license for space required to be provided when work is performed under a direct mission support contract and the terms of the service contract require the Air Force to provide space on the Installation. A government contract cannot be used in lieu of real estate instrument to secure office space only. (T-3).

3.2.5. Non-federal Entities: Issue a license to non-federal entities/private organizations for activities only if the proposed use will not interfere with the Air Force mission, is not an expense to the Air Force, and property is not excess to Air Force needs. (T-0).

3.3. Statutory Authority. The Air Forces may issue licenses for the use of Air Force real property using the authority 10 United States Code § 8013, Secretary of the Air Force. The following specific statutes also allow the Air Force to issue licenses:

3.3.1. Civil Air Patrol. Reference: 10 United States Code § 9444, *Activities Performed as Auxiliary of the Air Force*.

3.3.1.1. The Air Force may license Civil Air Patrol units to use Air Force facilities at no cost. Reference: Air Force Policy Directive 10-27, *Civil Air Patrol*.

3.3.1.2. The Air Force may pay to maintain and repair buildings and facilities Civil Air Patrol units occupy if building and facility is needed by the Air Force in the future.

3.3.2. Air National Guard. Reference: 10 United States Code § 1803, *Facilities for Reserve Components*.

3.3.2.1. The Air Force may grant a no-cost license to a State for Air National Guard purposes for temporary use of Air Force-controlled real property. Term length of the license will not exceed the term of any controlling lease or permit. (T-2).

3.3.2.2. Do not grant a license to construct a permanent National Guard Armory on an Air Force Installation without State or National Guard construction funds and specific congressional authority. (T-2).

3.3.3. American Red Cross. The Air Force may grant a no-cost license to the American Red Cross for the use of buildings on Air Force Installations. Reference: 10 United States Code §§ 2602, *American National Red Cross: Cooperation and Assistance*, and 2670, *Use of Facilities by Private Organizations; Use as Polling Places*.

3.3.4. Young Men and Women Christian Associations. Reference: 10 United States Code § 9778, *Licenses: Military Reservations; Erection and Use of Buildings; Young Men's Christian Association*.

3.3.4.1. The Air Force may license these associations to construct and maintain facilities on Air Force Installations within the United States, its Commonwealths, and its possessions.

3.3.4.2. When these facilities are needed to promote the social, physical, intellectual, and moral welfare of Air Force personnel, the licenses are at no-cost. **(T-3)**.

3.3.5. Official polling place for local, State, or Federal elections. Reference: 10 United States Code § 2670, *Use of Facilities by Private Organizations; Use as Polling Places*.

3.3.6. Veterans Service Organizations. The Air Force may furnish, if available, space for the use of paid full-time representatives of the American Legion, the Disabled American Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars, and such other organizations as recognized by Department of Veterans Affairs to function on military installations under the jurisdiction of the Secretary. The purpose of space must be to assist Veterans and Active Duty members perfect their Veterans Administration claims. Reference: 10 United States Code § 2670, *Use of Facilities by Private Organizations; Use as Polling Places*, 38 United States Code § 5902, *Recognition of Representatives of Organizations*.

3.3.7. Miscellaneous Licenses. Issue a license for these activities only if the proposed use will not interfere with the Air Force mission: Reference: 10 United States Code § 9777, *Permits: Military reservations; Landing Ferries, Erecting Bridges, Driving Livestock*.

3.3.7.1. Landing of ferries at a military Installation.

3.3.7.2. Erection of bridges on a military Installation.

3.3.7.3. Driving of livestock across a military Installation.

3.3.8. Science and Technology Academies Reinforcing Basic Aviation and Space Exploration (STARBASE). Reference: 10 United States Code § 2193b, *Improvement of Education in Technical fields: Program for Support of Elementary and Secondary Education in Science, Mathematics, and Technology*, and Department of Defense Instruction 1025.7, *Department of Defense STARBASE Program*.

3.3.8.1. A no-cost license may be granted when:

3.3.8.1.1. A STARBASE program is established as a non-profit organization in partnership with the Air Force. **(T-3)**.

3.3.8.1.2. There is a cooperative agreement or memorandum of agreement between the STARBASE organization and the Air Force. **(T-3)**.

3.3.9. Space Related Facilities. 51 United States Code § 50504, *Use of Government Facilities*. The Air Force may issue a non-exclusive license to non-federal entities using qualified space

related facilities (including launch property as defined in Title 51 United States Code) pursuant to 10 United States Code § 8013 and 51 United States Code § 50504, on a reimbursable basis.

3.4. Congressional Notification. Congressional notification is required when transactions exceed thresholds identified in 10 United States Code § 2662. (T-0).

3.5. Competition. Competition is not required to select a licensee.

3.6. License Consideration. The Air Force must charge fair market value as determined by appraisal or waiver valuation unless exempt by statute or policy. (T-3).

3.6.1. Exceptions may be granted to the following, if space is available:

3.6.1.1. State, county, city, or other political subdivisions.

3.6.1.2. Youth Organizations as defined in Public Law 109-163 Section 1058, *Support for Youth Organizations*.

3.6.1.3. Thrift Shops operated by Spouses clubs on Air Force installations.

3.6.2. Deposit of Consideration. Consideration may be payment of cash, in-kind goods or services, or a combination thereof. See paragraph 1.13 for details on in-kind consideration.

3.6.2.1. Cash rents received from licenses will be deposited into the US Treasury, miscellaneous receipts account. Reference: Department of Defense Financial Management Regulation 7000.14-R, Volume 14, Chapter 2: Antideficiency Act Violations.

3.7. Strategic Basing. Refer to Air Force Instruction 10-503, for license actions that require strategic basing approval. When required, Real Property Office will include the approval in the outgrant file. (T-3).

3.8. Reimbursement. All license agreements will include clauses addressing reimbursement for services and utilities. (T-2). Administrative costs will be paid by the licensee at the discretion of the Air Force. (T-2).

3.8.1. Thrift Shops operated by Spouses clubs are exempt from reimbursing for utilities. Reference: Air Force Instruction 65-601V1.

3.9. Liabilities. The licensee must carry third-party insurance for accidental death, personal injury, and property damage in an amount sufficient to cover Air Force interest as determined by person exercising delegated authority to execute outgrant. (T-3).

3.10. Assignments. The use, granted by a license, of Air Force real property will not be assigned to another. (T-2).

3.11. Renewals. Licenses can include renewal options. Signature authority is based on the total term, including the initial term plus renewal option period(s). (T-2).

3.12. Amendments. Licenses may be amended for general clauses, legal description, scope, or cost.

3.13. Improvements and Restoration of Air Force Real Property. Upon termination, licensees must remove their property and improvements from the licensed land or buildings unless otherwise specified in the license. (T-2). The licensee must repair or reimburse the Air Force for all damages to Air Force real property caused by the licensee. (T-2).

3.14. Nonappropriated Fund and Morale, Welfare, and Recreation Activities. Morale, Welfare, and Recreation and related activities manage recreation programs which use Air Force property. Air Force Instruction 65-106, Appropriated Fund Support of Morale, Welfare, and Recreation and Non-appropriated Fund Instrumentalities (NAFIs), defines Morale, Welfare, and Recreation categories and support provided.

3.14.1. Nonappropriated fund vendors do not need an outgrant.

3.14.2. Private property, such as boats, aircraft, or recreation vehicles, on Government property does not receive appropriated or nonappropriated support. The private property owners must fully reimburse the Air Force or its nonappropriated fund instrumentalities for expenses incurred or fair market value. **(T-2)**.

3.15. Non-federal entities. Air Force Instruction 34-223, defines and classifies types of private organizations and specifically addresses situations involving use of Air Force real property. However, outgrant temporary use of Air Force real property in accordance with this Chapter.

3.16. Cable Television Service. The Air Force allows private cable television companies to operate, install, maintain and repair cable television systems on base if it does not interfere with the installation mission. **(T-0)**. A contract for cable television services to federal entities located on base such as Government offices will be handled through a Franchise Agreement in accordance to the Federal Acquisition Regulation as a normal procurement of services. A license, easement, and/or a right of entry real estate instrument is required to allow access to the installation.

3.17. Educational Space. Issue a license for shared space for educational purposes. For exclusive use of property, see Chapter 5 for leasing guidance.

3.18. Right of Entry. A right of entry is granted for temporary and limited use of Air Force real property to avoid trespass. Obtain all needed documentation and clearance before approving the right of entry. Right of entry will not be used to allow construction activities on Air Force real property. **(T-3)**.

3.19. Privately Sponsored Competition Events. A license will be issued for the minimum term necessary allowing events such as non-Air Force airshows, motocross events, radio-controlled aircraft events, et al., to occur once approved by the Installation Facilities Board. Prior to approval, the sponsor must agree:

3.19.1. There is no expense to the Air Force for the event. **(T-2)**.

3.19.2. Sponsors pay for any damage they cause to Government property. **(T-2)**.

3.19.3. The Air Force is held harmless. **(T-2)**.

3.19.4. Sponsors will obtain adequate insurance coverage in an amount sufficient to cover Air Force interest as determined by person exercising delegated authority to execute outgrant. **(T-2)**.

3.19.5. On-Duty Official Duty Personnel and Air Force equipment will not be used to prepare for or conduct the event. **(T-2)**.

3.19.6. Sponsors will make adequate arrangements for policing, fire protection, and first aid. **(T-2)**.

3.19.7. Sponsors will not charge for admission, use admission tickets, or charge parking fees. If admission is charged, issue a lease in accordance with Chapter 5. **(T-2)**.

3.19.8. The event must not have an adverse effect on the performance of the Installation's mission. **(T-2)**.

Chapter 4

EASEMENTS

4.1. Term. Easements are for a defined term but may be perpetual in rare circumstances.

4.1.1. Easements are not revocable at will but should contain specific provisions authorizing early termination. Reference: 10 United States Code § 2668, *Easements for Rights-of-Way*.

4.2. Footprint. Grant only the land that is required for the proposed project. **(T-0)**. Easements should minimally impact facilities and mission.

4.3. Statutory Authority. The Air Force is authorized to outgrant easements for the following purposes: Reference: 10 United States Code § 2668.

4.3.1. Roads, streets, and railroad tracks. In the granting clause of an easement for a public road right-of-way easement across an Air Force Installation, include the statement: "The Secretary of the Air Force has found that granting this easement is not against the public interest." **(T-0)**.

4.3.2. Gas, water, and sewer. Pumping stations may be included in the easement.

4.3.3. Oil Pipelines, Natural Gas Pipelines, Synthetic Liquids, or Gaseous Fuels Pipelines.

4.3.4. All easements may include valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, and access routes. They need not necessarily be connected or contiguous.

4.3.5. Substations for electric power transmission lines.

4.3.6. Telecommunication Services (Cable Television and Telephone). Guidance for Mobile Service Providers will be discussed in separate policy and/or guidance. Issue an easement in accordance with the terms of any service contract. **(T-3)**. Coordinate easement with Installation Contracting and Communications offices. Charge the service provider fair market value if the service does not exclusively benefit the Air Force. **(T-3)**.

4.3.7. Items that may also be included in the easement are: poles and lines for the transmission or distribution of electric power; poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals); and structures and facilities for the transmission, reception, and relay of such signals.

4.3.7.1. Easements may be granted to utility companies that also provide commercial service to the public. Consider restrictions such as height in Air Installation Compatible Use Zone areas.

4.3.7.2. Keep records and Installation utility maps to identify and document the location, the owner, and the provider for each utility easement. **(T-3)**.

4.3.7.3. An easement required for a company that provides utilities exclusively for the Installation's benefit may be issued at no cost.

4.3.8. Any other purpose consistent with 10 United States Code § 2668.

4.4. Environmental Monitoring. If off-base contamination migrates onto an Air Force Installation, an easement may be issued to the party performing the cleanup action or monitoring.

4.5. Congressional Notification. Congressional notification is required for certain transactions which exceed thresholds identified in 10 United States Code § 2662. (T-0).

4.6. Competition. Easements do not require competition.

4.7. Easement Consideration. Fair market value is required for all easement outgrants unless a fair market value waiver is reasonable, fully justified, and approved. (T-3). All approved fair market value waivers must be fully justified and maintained within the easement file. (T-3). Easements to a utility provider may qualify for a waiver of fair market value when utility services exclusively benefit the Air Force or utility service is at the request of the Air Force. (T-3).

4.8. Deposit of Consideration. Consideration may be payment of cash, in-kind goods or services, or a combination thereof. See paragraph 1.13 for details on in-kind consideration.

4.8.1. Proceeds generated from easements will be deposited into the Special Fund Receipt Account "5189.57". (T-0). Reference: 10 United States Code § 2667 Department of Defense Financial Management Regulation 7000.14R, Volume 12, Chapter 14, *Transferring, Disposing, and Leasing of Real Property and Personal Property*.

4.8.2. The Installation receives 100% of the first \$1,000,000 and 50% of all remaining proceeds for easements with consideration greater than \$1,000,000. (T-2).

4.9. Strategic Basing. Refer to Air Force Instruction 10-503, for easement actions that require strategic basing approval. Include the approval when required. (T-3).

4.10. Reimbursement for Utilities and Related Services. All easement agreements will include clauses addressing reimbursement for services and utilities. Reference: Air Force Instruction 32-1061 and Air Force Instruction 65-601V1. (T-1).

4.11. Insurance. Grantees will be required to carry sufficient property and liability insurance in an amount sufficient to cover Air Force interest as determined by person exercising delegated authority to execute outgrant. (T-1).

4.12. Assignments. Easements may be assigned but shall not be sublet. (T-2).

4.12.1. Easements, both term and perpetual, may be assigned.

4.12.2. Easements may be assigned to a new Grantee through an amendment.

4.13. Consent Agreements. If a third party wants an easement that crosses a previously granted easement, the third party must obtain a consent agreement from the current easement holder prior to the Air Force issuing the new easement. (T-2).

4.13.1. A copy of the consent shall be included in the Air Force outgrant file of the original easement and the new easement. (T-3).

4.14. Renewals. Easements can have renewal options. Signature authority is based on the total term, including the initial term plus renewal option period(s). (T-2).

4.15. Amendments. Easements may be amended for the general clauses, legal description, scope, or cost.

4.16. Improvements and Restoration of Air Force Real Property. Easements will contain a provision to ensure that Grantee removes their property and improvements from the land upon expiration or termination. (T-2).

4.17. Notice to U.S. Department of the Interior for Withdrawn Lands. Copies of real estate instrument granting easements over public lands under 10 United States Code § 2668 will be furnished to the U.S. Department of the Interior by Real Property Office. (T-0).

Chapter 5

LEASES

5.1. Lease Term. Leases for terms longer than five years shall not be granted unless a longer lease period will promote the national defense or be in the public interest. (T-0).

5.2. Statutory Authority. The Air Force is authorized to grant leases for real property pursuant to 10 United States Code § 2667. Property authorized for leasing under this authority must be under the control of the Secretary of the Air Force, is not needed by the Air Force during the term of the proposed lease, and is not excess property. (T-0).

5.2.1. The Air Force is authorized to lease land or improvements to authorized credit unions pursuant to 12 United States Code § 1770, *Allotment of Space in Federal Buildings or Federal Land*. See Attachment 3 for details on leasing to credit unions.

5.3. Congressional Notification. Congressional notification is required for certain transactions that exceed thresholds identified in 10 United States Code §§ 2662 and 10 United States Code § 2667. (T-0).

5.3.1. Congressional notification does not apply to leases for agricultural or grazing purposes.

5.4. Competition Requirements.

5.4.1. All outgrant leases require competition if: (T-0). Reference: 10 United States Code § 2667(h), Leases: non-excess property of military departments and Defense Agencies.

5.4.1.1. Lease term exceeds one year; or (T-0).

5.4.1.2. Annual fair market value rent exceeds \$100,000. (T-0).

5.4.2. Exceptions to Competition. Outgrant leases requiring competition shall be competed unless the Secretary of the Air Force, or an authorized delegate, choose to waive competition requirements after determining the following two factors are met: (T-0). Reference: 10 United States Code § 2667(h)(2).

5.4.2.1. The lease serves a public interest, and (T-0).

5.4.2.2. The use of competitive procedures in the selection of a certain lessee is unobtainable or incompatible with the public benefit served under the public interest identified. (T-0).

5.4.3. All requests for exception to competition (waiver) must be justified. (T-2). Any approval and justification documentation will be maintained within the lease file. (T-3).

5.4.3.1. Include the following statement signed by the Installation Commander for all waiver requests: "To the best of my knowledge and belief, no personnel of the Air Force who are responsible for the proposed outgrant have any present or anticipated personal or financial interest in such outgrant and no such personnel have received any gift or gratuity in connection with the proposed outgrant." (T-0).

5.4.4. Although Federal Acquisition Regulations do not apply to competition for real property, competition procedures are required when aforementioned exemptions do not apply. The Installation Contracting Office may be utilized as subject matter experts regarding Market Research and other aspects of Federal Acquisition Regulation-based competition.

5.5. Lease Consideration. The Air Force must charge fair market rental value as determined by appraisal or waiver valuation for leases issued in accordance with 10 United States Code § 2667. **(T-0)**. The fair market value requirement cannot be waived for leases except by statute. **(T-0)**. For example, leases for the exclusive use of an Air Force facility that qualifies as a space related facility (including launch property as defined in Title 51 United States Code) may be leased on a reimbursable basis pursuant to 51 United States Code § 50504.

5.6. Deposit of Consideration. Consideration may be payment of cash, in-kind goods or services, or a combination thereof.

5.6.1. In-kind consideration may be: Reference: 10 United States Code § 2667.

5.6.1.1. Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Air Force.

5.6.1.2. Construction of new facilities for the Air Force.

5.6.1.3. Provision of facilities for use by the Air Force.

5.6.1.4. Provision or payment of utility services for the Air Force.

5.6.1.5. Provision of real property maintenance services for the Air Force.

5.6.1.6. Provision of such other services relating to activities that will occur on the leased property as the Air Force considers appropriate.

5.6.2. Deposit cash proceeds generated from leases, excluding grazing and crop land leases, into Special Fund Receipt Account "5189.57." Reference: Department of Defense Financial Management Regulation 7000.14R Volume 12, Chapter 14.

5.6.2.1. The Installation receives 100% of the first \$1,000,000 and 50% of all remaining proceeds for leases with consideration greater than \$1,000,000. **(T-2)**.

5.6.2.2. Cash proceeds may be used for the following purposes, consistent with 10 United States Code § 2667:

5.6.2.2.1. Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

5.6.2.2.2. Construction or acquisition of new facilities.

5.6.2.2.3. Lease of facilities.

5.6.2.2.4. Payment of utility services.

5.6.2.2.5. Real property maintenance services.

5.6.3. Deposit proceeds from agricultural outgrants (grazing and crop land leases) to Deposit Fund Account 57 F 3875.00AG in accordance with Air Force Instruction 32-7064 and DoD FMR 7000.14R, Volume 11A, Chapter 16, *Accounting for Production and Sale of Forest Products*. **(T-0)**.

5.7. Strategic Basing. Refer to Air Force Instruction 10-503, for leasing actions that require strategic basing approval. When required, include the approval in the outgrant file. **(T-3)**.

5.8. Reimbursements. All lease agreements will include clauses addressing reimbursement for services and utilities. (T-2). Reference: Air Force Instruction 32-1061 and Air Force Instruction 65-601V1.

5.9. Insurance. Grantees shall carry sufficient property and liability insurance in an amount sufficient to cover Air Force interest as determined by person exercising delegated authority to execute outgrant. Under these leases, all lessees who occupy and use improvements must insure the improvements for their full replacement value.

5.10. Assignments and Subleasing. Assignment and subleasing of Air Force real property is discouraged for grantees. Installation Commanders must request approval from AFCEC/CIT. (T-2). Subletting to mobile service providers will be discussed in separate policy and/or guidance.

5.11. Renewals. For lease renewals:

5.11.1. The lease may include a clause specifying the renewal option period(s) for the lease if applicable.

5.11.1.1. Signature authority is based on the total term, including the initial term plus renewal option period(s). (T-2).

5.12. Amendments. Leases may be amended for general clauses, legal description, scope, or cost.

5.13. Revocations. All Air Force leases include a provision that authorizes the Air Force to revoke the lease at will. (T-2). The authority to revoke remains with the original signatory of the lease or the current equivalent.

5.13.1. Pursuant to 10 United States Code § 2667 the omission of such a provision shall only be authorized when it will promote the national defense or be in the public interest. (T-0).

5.14. Terminations. Lease terminations will be fully justified and approved at the current level of delegated authority. (T-2).

5.15. Improvements and Restoration of Air Force Real Property. Leases shall contain a provision to ensure lessees remove their property and improvements from the leased land or buildings when their lease expires or is terminated. (T-2).

5.15.1. If the lessee does not remove improvements and restore property:

5.15.1.1. Take title to, but do not pay for the improvements, or (T-2).

5.15.1.2. Remove the improvements and charge the lessee the restoration costs. (T-2).

5.15.2. Include a provision in the lease that the lessee repairs and pays for the repairs of all damages to Air Force real property caused by the lessee. (T-2).

5.15.2.1. If the lessee does not repair damages, charge the lessee all costs for repairing or replacing the damage or destruction. (T-2).

5.16. Scoring Requirements. The Office of Management and Budget requires scorekeeping, or scoring, of certain leases. Office of Management and Budget Circular No. A-11, Scoring Issue, specifically mentions the following types of transactions:

5.16.1. Outlease-leaseback mechanisms.

5.16.2. Enhanced use leases consisting of leasebacks with annual payments above prospectus thresholds as defined by General Services Administration.

5.16.3. Projects constructed or located on Government land.

5.16.4. Leasing arrangements that involve options that can be conveyed to a third party in exchange for future considerations.

5.16.5. Any proposals for actions listed in Office of Management and Budget Circular No. A-11, Appendix B will be processed for approval during the conceptual, developmental stage for specific requirements to be included in the request. (T-0).

5.16.6. Subsequent changes to a project that alter the scope of the proposal or affect the scoring, such as change from an operating lease to a lease-purchase or capital lease, must be resubmitted for approval. (T-0).

5.17. Army and Air Force Exchange Service and Nonappropriated Fund/Morale, Welfare, and Recreation. Whenever a potential outlease is in direct competition with Army and Air Force Exchange Services, nonappropriated fund, or Morale, Welfare, and Recreation functions, installation Staff Judge Advocate must be consulted at the earliest stages of project development. (T-1). Reference: 10 United States Code § 2667 (b)(6).

5.17.1. A non-federal entity shall not offer programs or services on Department of Defense installations that compete with appropriated or nonappropriated fund activities, but may, when specifically authorized, supplement those activities. (T-0). Reference: Department of Defense Instruction 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations.

5.17.2. Installation Commanders are authorized to eliminate duplicate services, particularly when the services compete with the installations revenue-generating activities. Reference: Department of Defense Instruction 1000.15.

5.18. Enhanced Use Leasing. Enhanced Use Leases often pose unique mission compatibility issues and require substantial Air Force effort in assessing project feasibility, competitively selecting lessees, negotiating and closing transactions, and managing the lease portfolio. Enhanced Use Leases are used to optimize Air Force resources and obtain maximum value from non-excess land and/or facilities in the form of cash rent or in-kind consideration.

5.18.1. In accordance with Department of Defense Instruction 4165.70, paragraph 6.2.2, Installation Commanders are encouraged to use Enhanced Use Lease authority under 10 United States Code § 2667 when it is beneficial to the Air Force.

5.18.2. All Enhanced Use Lease concepts/opportunities must be coordinated with the Installation Real Estate Office. (T-2). Enhanced Use Lease concepts/opportunities may be identified by Air Force personnel, communities, and private developers.

5.18.3. The Real Estate Office will engage the AFCEC/CIU functional office to initiate a potential Enhanced Use Lease. (T-2). Reference: Enhanced Use Lease Playbook located on the Civil Engineer Portal of the Air Force Portal.

5.19. McKinney Act Requirements. The Air Force complies with the McKinney Act by reporting unused or underutilized real estate that is intended to be outgranted. Reporting procedures are outlined in the United States Air Force McKinney Act Guidance located on the

AFCEC/CIT SharePoint. An example of the McKinney Act Cover Memorandum and the Title V Property Survey Federal Property Information Checklist are also available on the SharePoint. See paragraph 1.21. and Attachment 4 for additional information. Reference: 24 CFR 581, Use of Federal Real Property to Assist the Homeless

5.20. Taxing Leased Air Force Real Estate. The leased property improvements may be taxed by State or local governments. A lease shall provide that, if and to the extent that the untaxed leased property is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated. (T-2).

5.21. Cost Related to the Use of Air Force Real Estate. For outleases the Air Force requires the lessee to pay all costs associated with land use. (T-0).

5.22. Excess or Surplus Real Property. General Services Administration generally supervises and approves short-term leasing of excess or surplus real property. General Services Administration regulations allow leases that temporarily put such real property to productive use. The lease must not interfere with or delay disposal of the real property. (T-0). Reference: 40 United States Code § 484, Disposal of surplus property

5.22.1. An interim lease of excess or surplus property may not exceed one year and is revocable on 30 days' notice. Send requests for leasing such real property to AFCEC/CI.

5.23. Public Schools. The Air Force may grant a lease of existing Air Force facilities or other real property to States, political subdivisions, or their agencies for public school use. (T-2). See Attachment 5 for details on specific leasing rules for public schools. Reference: Air Force Instruction 36-3036, *DoD Schools Operating on AF Installations*.

5.24. Credit Unions. The Air Force may allow credit unions to occupy Government-owned buildings or lease land for construction of facilities. See Attachment 3 for details on specific leasing rules for credit unions. Reference: Department of Defense Financial Management Regulation Volume 12, Chapter 33, Financial Institutions on Department of Defense Installations.

5.25. Banks. Banks may lease existing Air Force facilities or Air Force land for construction of facilities.

5.25.1. In-Store Banking (e.g., financial institutions located in buildings operated by the Defense Commissary Agency, Army and Air Force Exchange Services, and Morale, Welfare, and Recreation activities) is authorized per Department of Defense Financial Management Regulation 7000-14-R, Volume 12, Chapter 33, *Financial Institutions on Department of Defense Installations*.

5.25.1.1. Space shall be granted through a lease to the banking institution that will provide in-store service. (T-0).

5.26. Banks and Credit Unions on Air Force Occupied Property.

5.26.1. Leases on vacant land for construction of bank or credit union will be considered if the Air Force has fee interest in underlying land. (T-0).

5.26.2. Banks or credit unions may lease space in Government-owned facilities if the Air Force has a leased interest in the underlying land that permits outgranting for such purpose.

5.27. Automated Teller Machine Service. No additional lease or license is needed to place an Automated Teller Machine within the existing credit union or bank leased facility.

5.27.1. With authorization, an on-base bank or credit union may place Automated Teller Machines at one or more locations throughout the Installation.

5.27.2. Automated Teller Machines not located within the bank or credit union leased facility should be incorporated into the leased premises description and charged fair market value, as determined by an appraisal, or no fair market value if credit unions meet the 95% membership criteria.

5.27.3. If there is no bank or credit union leased facility on the Installation, the stand-alone Automated Teller Machine will be treated as the leased financial facility. Fair market value is required for bank Automated Teller Machines, and fair market value for credit union Automated Teller Machines is based on the 95% membership criteria. **(T-0)**.

5.28. Wireless Frequencies. All leases that involve radio, microwave, or other air transmission frequencies must comply with the Public Law 104-104, Telecommunications Act of 1996. **(T-0)**. Coordinate with the Installation Frequency Management Office to ensure a Radio Frequency Spectrum Analysis or Electromagnetic Compatibility Site Analysis is performed and the proposed use will not negatively impact Air Force missions. **(T-0)**.

5.29. Grazing and Cropland Leases. When considering a grazing or cropland lease, follow Air Force Instruction 32-7064. Use the approved grazing and cropland management and land use plan as stipulations in the lease and for lease compliance inspections. **(T-2)**.

5.30. Non-federal entities. Air Force Instruction 34-223 defines and classifies types of private organizations and specifically addresses situations involving use of Air Force real property. However, outgrant temporary use of Air Force real property in accordance with this Chapter.

5.31. Lighthouse for the Blind. The Air Force must charge Lighthouse of the Blind fair market value (or in-kind consideration) as determined by appraisal. **(T-2)**. Existing laws and Air Force Instruction prohibit issuing a no-cost lease. **(T-0)**.

Chapter 6

FOREIGN LOCATIONS

6.1. Outgranting at Foreign Locations. Property is made available for Air Force use by a Status of Forces Agreement or other applicable international agreement.

6.1.2. Outgranting must comply with the Status of Forces Agreement or other applicable international agreement. **(T-0)**. Host Nation notification or approval may be required. **(T-0)**.

6.1.3. Installation Commander will:

6.1.3.1. Obtain Facilities Board approval. The installation commander approves all outgrants to Department of Defense organizations to include organizations as described in 6.1.4. All outgrants to non-Department of Defense organizations must be approved by AFCEC/CFEE or AFCEC/CFPE **(T-2)**.

6.1.3.2. Evaluate the use of Air Force real property and provide their endorsement to AFCEC/CFEE or AFCEC/CFPE **(T-2)**.

6.1.3.3. Ensure an Air Force Form 813 to request appropriate environmental evaluation is prepared. **(T-2)**.

6.1.4. If included in the respective Status of Forces Agreement or other applicable international agreement, the following will be considered and treated as integral parts of the United States Forces, and an outgrant is not required; however, a host-tenant support agreement will document the relationship and financial obligations of each party:

6.1.4.1. Banks. Reference: Department of Defense Financial Management Regulation Volume 12, Chapter 33, Financial Institutions on Department of Defense Installations, Paragraph 3305, Overseas Banks.

6.1.4.2. Credit Unions. Reference: Department of Defense Financial Management Regulation Volume 12, Chapter 33, Financial Institutions on Department of Defense Installations, Paragraph 3307, Overseas Credit Unions.

6.1.4.3. American Red Cross.

6.1.4.4. Army and Air Force Exchange Services.

6.1.4.5. Armed Forces Network.

6.1.4.6. Dependent Education Groups.

6.1.4.7. Department of Defense Dependents Schools.

6.1.4.8. Morale, Welfare, and Recreational facilities.

6.1.4.9. North Atlantic Treaty Organization National Support Units, or Host Nation Support Units.

6.1.4.10. Other activities or organizations specifically listed in the Status of Forces Agreement or other applicable international agreement.

6.1.5. When the Installation Commander does not have authority to execute the outgrant, send the outgrant to AFCEC/CFEE or AFCEC/CFPE for processing to the appropriate office for execution. (T-2).

6.1.6. There is no requirement to notify Congress when issuing outgrants in foreign locations.

6.1.7. Compliance with the McKinney-Vento Act is not required in foreign locations. Reference: 42 United States Code § 11411, *Use of Unutilized and Underutilized Public Buildings and Real Property to Assist the Homeless*.

6.2. Subletting at Foreign Locations. The Air Force has limited real estate interests in foreign nations. Subletting these real estate interests is discouraged but may be required in special situations.

6.2.1. When subletting of non-Department of Defense organizations the following is required:

6.2.1.1. The Installation evaluates the use of Air Force real property and provides their endorsement to AFCEC/CFEE or AFCEC/CFPE. (T-2).

6.2.1.2. AFCEC/CFEE or AFCEC/CFPE will coordinate with Department of State in the foreign country or Host Nation as appropriate. (T-2).

6.2.2. When the Installation Commander does not have authority to execute the outgrant, send the outgrant to AFCEC/CFEE or AFCEC/CFPE for processing to the appropriate office for execution. (T-2).

6.3. Non-exclusive Use. An easement, permit, or license may be used to grant non-exclusive use in accordance with the Status of Forces Agreement or other applicable international agreement governing the property.

6.3.1. **Easements (joint use agreements in Japan and Korea) may be for an indefinite term if allowed by the Status of Forces Agreement or other applicable international agreement.**

6.3.2. A permit is only issued to another United States Federal agency, and a license to a non-United States Federal agency. (T-1).

6.4. Exceptions. Send requests for exceptions from this Chapter to AFCEC/CFEE or AFCEC/CFPE. (T-2). Provide justification and supporting documentation.

JOHN W. HENDERSON, P.E.
Assistant Secretary of the Air Force
(Installations, Environment, & Energy)

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****REFERENCES***

- DoDD 4165.06, *Real Property*, 13 October 2004 certified current 18 November 2008
- DoDI 4165.70, *Real Property Management*, 6 April 2005
- AFPD 32-90, *Real Property Asset Management*, 6 August 2007
- AFI 33-360, *Publication and Forms Management*, 1 December 2015
- AFMAN 33-363, *Management of Records*, 1 March 2008 Incorporating Change 2, 9 June 2016 Certified Current 21 July 2016, Interim guidance AFGM2017-01, 2 June 2017
- 10 USC § 10503, *Functions of National Guard Bureau: Charter*
- AFJI 32-9006, *Army and Air Force Basic Real Estate Agreements*, 27 February 1995
- AFI 32-1061, *Providing Utilities to U.S. Air Force Installations*, 27 January 2016 Corrective Actions applied 25 August 2016
- AFI 32-10142, *Facilities Board*, 14 May 2013 Incorporating Change 2, 6 October 2016
- AFI 13-212V1, *Range Planning and Operations*, 23 April 2015
- AFI 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*, 26 January 2015
- 40 CFR Part 1500.1-.3, *Purpose, Policy and Mandate*
- 32 CFR 989, *Environmental Impact Analysis Process*
- AFI 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*, 26 January 2015
- 16 USC §§ 1531 et seq., *Endangered Species Act of 1973*
- AFI 32-7064, *Integrated Natural Resources Management*, 18 November 2014 Incorporating Change 2, 22 November 2016
- 16 USC § 470 et seq., *National Historic Act Preservation*
- 36 CFR Part 800, *Protection of Historic Properties*
- Executive Order 11988, *Floodplain Management*
- Executive Order 11990, *Protection of Wetlands*
- AFI 32-7065, *Cultural Resources Management*, 19 November 2014 Incorporating Change 1, 6 October 2016
- DoDI 4715.03, *Natural Resources Conservation Program*, 18 March 2011
- 10 USC § 2692, *Storage, treatment, and disposal of nondefense toxic and hazardous materials*
- AFMAN 91-201, *Explosives Safety Standards*, 21 March 2017 Certified Current 9 June 2017
- AFI 32-3001, *Explosive Ordinance Disposal (EOD) Program*, 20 November 2014 Incorporating Change 2, 13 May 2016
- 10 USC § 2667, *Leases: non-excess property of military departments and Defense Agencies*

10 USC § 2695, *Acceptance of Funds to Cover Administrative Expenses Relating to Certain Real Property Transactions*

AFI 32-7063, *Air Installation Compatible Use zone Program (AICUZ)*, 18 December 2015

AFI 90-2001, *Encroachment Management*, 3 September 2014

42 USC § 11411, *Use of Unutilized and Underutilized Public Buildings and Real Property to Assist the Homeless*

10 USC § 2556, *Shelter for the Homeless, Incidental Services* 24 CFR § 581, *Use of Federal Real Property to Assist the Homeless*, 1 April 2013

40 USC § 484, *Disposal of surplus property*

DoDI 4165.65, *Shelter for the Homeless Program*, 6 February 2013

10 USC § 2662, *Real Property Transactions: reports to congressional committees*

AFI 33-324, *The Air Force Information Collections and Reports Management Program*, 6 March 2013, Incorporating Change 2, 20 October 2016 Certified current 28 October 2016

AFI 32-9004, *Disposal of Real Property*, 21 July 1994 Incorporating Change 1, 3 May 2007

AFI 32-1021, *Planning and Programming Military Construction (MILCON) Projects*, 25 February 2016 Incorporating Change 1, 29 December 2016

10 USC § 8013, *Secretary of the Air Force*

39 USC § 406, *Postal Services at Armed Forces Installations*

AFI 10-503, *Strategic Basing*, 28 July 2017

AFI 25-201, *Intra-Service, Intra-Agency, and Inter-Agency Support Agreement Procedures*, 18 October 2013

AFI 65-601V1, *Budget Guidance and Procedures*, 16 August 2012 Incorporating Change 1, 29 July 2015

10 USC § 2481, *Defense Commissary and Exchange Systems: Existence and Purpose*

DoDD 5105.55, *Defense Commissary Agency (DeCA)*, 12 March 2008

10 USC § 9444, *Activities Performed as Auxiliary of the Air Force*

AFPD 10-27, *Civil Air Patrol*, 16 October 2014

10 USC § 1803, *Facility for Reserve Components*

10 USC § 2602, *American National Red Cross: Cooperation and Assistance*

10 USC § 9778, *Licenses: Military Reservations; Erection and Use of Buildings; Young Men's Christian Association*

10 USC § 2670, *Use of Facilities by Private Organizations; Use as Polling Places*

38 USC § 5902, *Recognition of Representatives of Organizations*

10 USC § 9777, *Permits: Military reservations; Landing Ferries, Erecting Bridges, Driving Livestock*

10 USC § 2193b, *Improvement of Education in Technical fields: Program for Support of Elementary and Secondary Education in Science, Mathematics, and Technology*

DoDI 1025.7, *Department of Defense STARBASE Program*, 14 September 2000

51 USC § 50504, *Use of Government Facilities*

Public Law 109-163 Section 1058, *Support for Youth Organizations*, 6 Jan 2006

DoD FMR 7000.14-R, Volume 14, Chapter 2: *Antideficiency Act Violations*, September 2015

AFI 65-106, *Appropriated Fund Support of Morale, Welfare, and Recreation (MWR) and Non-appropriated Fund Instrumentalities (NAFIs)*, 6 May 2009

AFI 34-223, *Private Organizations (PO) Program*, 18 March 2007 Incorporating Change 1, 30 November 2010 Certified Current 4 April 2011

10 USC § 2668, *Easements for Rights-of-Way*

DoD FMR 7000.14R, Volume 12, Chapter 14, *Transferring, Disposing, and Leasing of Real Property and Personal Property*, June 2009

12 USC § 1770, *Allotment of Space in Federal Buildings or Federal Land*

51 USC Chapter 501, 505 and 509 or Title 51, United States Code

40 USC § 484, *Disposal of surplus*

DoD FMR 7000.14R, Volume 11A, Chapter 16, *Accounting for Production and Sale of Forest Products*, August 2002

Public Law 104-104, *Telecommunications Act of 1996*

OMB Circular A-11, Appendix B, *Scoring Issue*

DoDI 1000.15, *Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations*, 24 October 2008

DoD FMR 7000.14R, Volume 12, Chapter 33, *Financial Institutions on DoD Installations*, August 2015

42 USC § 11431, *Use of Unutilized and Underutilized Public Buildings and Real Property to Assist the Homeless*

20 USC § 7703b(e), *Payments for Eligible for Federally Connected Children*

20 USC § 7801, *Strengthening and Improvement of Elementary and Secondary Schools*

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

AF Form 813, *Request for Environmental Impact Analysis*

DD Form 1391, *FY_Military Construction Project Data*

Abbreviations and Acronyms

AAFES—Army and Air Force Exchange Service

AF—Air Force
AFAFRICA—Air Forces in Africa
AFI—Air Force Instruction
AFMAN—Air Force Manual
AFN—Armed Forces Network
AFPD—Air Force Policy Directive
AFRC—Air Force Reserve Command
AICUZ—Air Installation Compatible Use Zone
AF—Air Force
ANG—Air National Guard
ATM—Automated Teller Machine
BCE—Base Civil Engineer
BLM—Bureau of Land Management
BRAC—Base Closure and Realignment
CAP—Civil Air Patrol
CFR—Code of Federal Regulations
DeCA—Defense Commissary Agency
DoI—Department of the Interior
DoD—Department of Defense
DoDDS—Department of Defense Dependents Schools
EBS—Environmental Baseline Survey
EIAP—Environmental Impact Analysis Process
EUL—Enhanced Use Leasing
FB—Facilities Board
FAA—Federal Aviation Administration
FAR—Federal Acquisition Regulation
FMR—Financial Management Regulation
FMV—Fair Market Value
GSA—General Services Administration
HQ USAF—Headquarters, United States Air Force
HUD—Housing and Urban Development
IAW—In Accordance With

ISSA—Inter-Service Support Agreement

MAI—Member Appraisal Institute

MAJCOM—Major Command

MILCON—Military Construction

MMS—Mineral Management Service

MOA—Memorandum of Agreement

MOU—Memorandum of Understanding

MWR—Morale, Welfare, and Recreation

NAF—Nonappropriated Funds

NATO—North Atlantic Treaty Organization

NEPA—National Environmental Policy Act

NGB—National Guard Bureau

O&M—Operations and Maintenance

OMB—Office of Management & Budget

OPR—Office of Primary Responsibility

OSD—Office of the Secretary of Defense

PACAF—Pacific Air Forces

PO—Private Organizations

RDS—Records Disposition Schedule

REO—Real Estate Office

ROE—Right-of-Entry

RPAO—Real Property Accountable Officer

RPO—Real Property Office

SECAF—Secretary of the Air Force

SAF/GCN—Secretary of the Air Force General Counsel for Installations, Energy and Environment Law

SAF/IE—Assistant Secretary of the Air Force for Installations, Environment, and Energy

SAF/IEI—Deputy Assistant Secretary of the Air Force (Installations)

SOFA—Status of Forces Agreement

STARBASE—Science and Technology Academies Reinforcing Basic Aviation and Space Exploration

US—United States

USACE—United States Army Corps of Engineers

USAFE—United States Air Forces in Europe

USC—United States Code

USPAP—Uniformed Standards of Professional Appraisal Practice

Terms

Administrative Costs—Administrative costs may include, but are not limited to, surveys, environmental studies, appraisals, and document preparation.

Assignment—Transfer of granted rights held by one to another.

Borrow Pits—A pit (also known as a sand box) from which construction material, usually soil, gravel or sand is taken for use as fill at another location. Borrow pits can be found in close proximity of major construction projects.

Capital Lease—A lease that is classified as a purchase by the lessee, which meets one or more of the following criteria: the lease term is greater than 75% of the property's estimated economic life; the lease contains an option to purchase the property for less than fair market value, ownership of the property is transferred to the lessee at the end of the lease term; the improvement is a unique asset constructed to Government specifications; there is no private market for the improvement; or the present value of the lease payments exceed 90% of the fair market value of the property.

Condemnation—A judicial proceeding the Government introduces through the Department of Justice to use its right of eminent domain. Condemnation results in passing title to land and improvements on it to the Government with or without the owner's consent but with just compensation.

Conditions—Limits restrictions in a grant or a conveyance of property. If said condition is not met, the rights granted or conveyed shall be changed in some manner (i.e., termination, breach, revocation, fines, or penalties).

Consideration—Compensation or an equivalent (money, material, or services) given for something acquired or promised. This may be real property's appraised fair market value or protecting real property against fire, water, or other threatening elements, or any mutual arrangement not in conflict with statutory limits.

Easement—The right to use another's land for a specific purpose, for specific duration. The landowners continue to own the land and use it as long as they do not interfere with the purpose of the easement.

Enhanced Use Lease—A type of lease characterized by significant lessee investment to realize the highest value from the leased land or facilities. Enhance Use Leases are typically long-term leases involving private equity and debt-financed construction and development activities.

Exclusive Use—A dominant right and privilege to use the property to the exclusion of others.

Fair market rental value—The amount that a well-informed and willing lessee would pay in a competitive market and that a well-informed lessor would accept for using and occupying real property for a particular term.

Fair market value—The amount in cash or in-kind consideration reasonably equivalent to cash, for which the property would have sold after a reasonable time on the open competitive market,

from a well-informed and willing seller to a well-informed and willing buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time.

Floodplains—Any land area susceptible to being inundated by floodwaters from any source. The 100-year floodplain is the lowlands adjoining inland and coastal waters, including floodplain areas of offshore islands, which would be inundated by the base flood. The 500-year (or critical actions) floodplain is the area that would be inundated by a 500-year flood.

Grantee—One to whom a grant is made.

Grantor—One who holds title to and grants rights to another party. A transferor of property. The Secretary of the Air Force and his/her duly authorized representative.

Hold Harmless Agreement—A contractual agreement in which one party assumes the situation's inherent liability, relieving the other party of responsibility.

Industrial Facility—Any Government-owned, leased, or controlled real property which a contractor uses to fulfill Government research, development, test, evaluation, production, maintenance, or modification contracts, or to store production machinery and equipment supporting these activities.

In-kind Consideration—Is an alternative to cash payments that may be accepted to satisfy some or all of the rent in the amount not less than fair market value.

Lease—Granted exclusive possession of real property for a specified term in return for rent or in-kind consideration paid to the owner.

Lease-Purchase—An agreement to buy a particular piece of property within a certain time-frame, usually at a price determined beforehand.

Lessee—One who has the right to occupy real property under a lease.

Lessor—One who holds title to and grants others the right to use and occupy real property under a lease.

License—A privilege that can be withdrawn at will to use or pass over a licensor's real property for a specific purpose; for example, right-of-entry for survey and exploration, right-of-entry for construction, tree topping, and so on. Licenses merely confer a privilege to occupy real property at the owner's tolerance. Licenses are issued for the temporary, non-exclusive use of Air Force property, with licenses to the Air National Guard being an exception.

Licensee—One who has the right to occupy real property under a license.

Licensor—One who holds title to and grants others the right to use and occupy real property under a license.

Locatables—United States-owned hard-rock minerals, including gold, copper, and silver, on public domain lands subject to discovery and claim. These are not leasable or saleable materials.

Nonappropriated Funds—Cash or other assets that are self-generated by Department of Defense Military and civilian personnel and their family members or received by nonappropriated fund instrumentalities from sources other than Congressional appropriation. nonappropriated funds provide goods, services, facilities, equipment, and manpower for Services Morale, Welfare, and Recreation programs and activities.

Non-exclusive Use—Shared use of the property is authorized provided that the use is not incompatible.

Non-Federal entity—A self-sustaining organization, incorporated or unincorporated, that is not an agency or instrumentality of the Federal government.

Non-Profit Organization—A tax exempt charitable organization whether public or private as defined by the Internal Revenue Service in accordance with 26 United States Code 501(c).

Operating Lease—Any lease of a capital asset, to include real property for which the lessee requires the property for a portion of its useful life. Any lease that is not a capital lease, or lease-purchase, is an operating lease.

Outgrants—Leases, licenses, easements, and permits which change the Government's interest in or control of real property by conferring property rights to another Government agency, non-Federal entity (such as a State or local government), or a private party.

Permit—A real estate instrument used between United States Federal agencies; a right of exclusive or non-exclusive use of real property.

Private Organizations—Self-sustaining special interest groups, set up by people acting exclusively outside the scope of any official capacity as officers, employees or agents of the Federal Government. They operate on Air Force installations with written consent of the installation commander. Often the members of private organizations consist of Airmen and their family members assigned to the installation.

Public Domain—Land the United States acquired through treaties with foreign governments and continues to own. The Department of the Interior administers and manages this land under public land laws.

Public Lands—Lands obtained through original public domain turned over to the Federal Government. The Secretary of the Interior through the Bureau of Land Management manages this land without regard to its acquisition.

Real Property Directive—A request to another Federal agency to act on a real property matter on behalf of the Air Force. Agencies include the Office of the Chief of Engineers, United States Army Corps of Engineers; or Naval Facilities Engineering Command, Department of the Navy; or United States Department of the Interior/Bureau of Land Management, and others.

Real Property—Lands, buildings, structures, utility systems, improvements, and appurtenances. Includes equipment attached to and part of buildings and structures, such as heating systems, but not movable equipment, such as plant equipment.

Right-of-Entry—The temporary right to enter land for a specific purpose without having any real property or interest in it, for example, to start pre-construction evaluations.

Right-of-Way Easement—The right to cross another's land for a specific purpose; for example, to construct a road, install pipelines, pole lines, or telephone cables, and so on.

Service Contract—A contract for non-personal services, authorized under the Armed Services Procurement Act of 1947, in which the contractor agrees to provide a service for the Air Force and the Air Force agrees to pay for the service. To perform the service, the contractor may use real property in which he or she has an interest and even let the Air Force enter the real property in a non-exclusive manner.

Sublet—To create a leasehold under which the lessee of a current leasehold is the lessor.

Term—A measure of time as defined by the grant, to include all renewals.

United States—The several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, Midway and Wake Islands, the U.S. Virgin Islands, any other territory or possession of the United States, and associated navigable waters, contiguous zones, and ocean waters of which the natural resources are under the exclusive management authority of the United States.

Utilities and Related Services—Electric power; steam; compressed air; water, sewage and garbage disposal; trash collection; natural, manufactured, or mixed gas; ice and mechanical refrigeration furnished by the Government. NOTE: Cable television and telephone communication services are not utility services.

Value (Current, Fair Market, and Estimated)—As used in this instruction, these terms mean current fair market value or current fair market rental value, see fair market value and fair market rental value definitions above.

Wetlands—Areas inundated by surface or ground water often enough to support and do or would support plant or aquatic life that needs saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas, such as mud flats, natural ponds, river overflows, sloughs, and wet meadows. Wetlands may be located in floodplains.

Waiver Valuation—The process used and the product produced when it is determined that an appraisal is not required.

Withdrawn Land—Public domain land set aside by Bureau of Land Management for a specific government purpose, such as national defense. Withdrawing public land generally prohibits its lease, sale, settlement, or other dispositions under the public land laws.

Attachment 2

OUTGRANTING MINERAL RIGHTS

A2.1. Government-Owned Mineral Rights.

A2.1.1. Any mineral rights the Air Force obtained through fee acquisition are managed and leased by the Bureau of Land Management. Bureau of Land Management must obtain Air Force consent before issuing a lease for mineral development on Air Force-controlled property. **(T-0)**.

A2.1.2. Upon receipt of request to access subsurface mineral rights, Installation Real Estate Office must verify subsurface ownership. Upon verification that mineral rights are owned by the Federal Government, Bureau of Land Management will issue the mineral lease. The Installation will seek approval to issue the appropriate real estate instrument authorizing access for surface rights.

A2.1.3. The Installation Commander will provide a recommendation whether to make land available for exploration and development. **(T-3)**. This recommendation should be based on potential mission impacts as well as environmental impacts and must be included in the package prepared by the Installation Real Estate Office for submittal to AFCEC/CI. **(T-2)**.

A2.1.4. AFCEC/CI will submit request package to SAF/IEI for approval. **(T-2)**.

A2.1.5. Upon approval, a lease, license, or easement will be issued to grant access to Air Force-controlled property. **(T-2)**.

A2.1.6. The real estate instrument must require the lessee to perform surface cleanup. **(T-2)**.

A2.2. Privately Owned Mineral Rights.

A2.2.1. When Air Force land does not include subsurface rights, those rights may be controlled by a private party and are the dominant estate as compared to the Government's surface rights. Mineral rights are severable from the land and are often transferred separately from the surface rights.

A2.2.2. Upon receiving a request to access privately owned subsurface mineral rights, the Installation Real Estate Office will verify ownership provided by the requestor. **(T-3)**. Once private party ownership is provided, Installation Commander will submit a written recommendation to AFCEC/CI whether Air Force land should be made available for exploration and development. **(T-2)**. This recommendation should be based on potential mission and environmental impacts. NOTE: If access is denied to the holder of the mineral rights, the subsurface estate holder may pursue legal action to remedy their inability to access the subsurface estate. This may result in a judicial order to allow access or monetary compensation.

A2.2.3. Real Estate Office must analyze the request to determine the appropriate real estate instrument (e.g., lease, easement, or license) to issue in accordance with respective chapters in this instruction. **(T-3)**. Once the appropriate real estate instrument is prepared, the Real Estate Office will submit package for execution in accordance with the current delegated authority. **(T-2)**.

A2.2.4. The real estate instrument must require the lessee to perform surface cleanup. **(T-2)**.

A2.3. Mineral Rights on Withdrawn Public Lands.

A2.3.1. Exploring or mining of locatables on land withdrawn from the public domain (e.g., Public Land Order, Executive Order, Public Law) is prohibited. **(T-0)**.

A2.3.2. Exploration of subsurface minerals, underground water, and mining operations of any kind is prohibited. **(T-1)**. In order to allow any outside party to access subsurface rights, the lands must be returned to the public domain. The withdrawal must be amended or terminated by the Bureau of Land Management prior to exploration. **(T-1)**.

A2.3.3. When an installation receives a request for the exploration of subsurface rights, the Real Estate Office will verify the withdrawn land status and begin coordinating with Air Force stakeholders (e.g., Security Forces, Operations Group, etc.) to provide a recommendation to the Installation Commander whether to deny the request or to amend the withdrawal. **(T-3)**.

A2.3.3.1. If the recommendation is made to deny the request, the Installation Commander will provide to the requestor a written response formally denying the request. **(T-3)**.

A2.3.3.2. If the recommendation is made to make the land available for exploration or mining, the Installation Commander submits the request package to AFCEC/CI for higher Headquarters approval. **(T-1)**.

Attachment 3

OUTGRANTING SPACE TO CREDIT UNIONS

A3.1. Credit Unions.

A3.1.1. The Installation Commander may allow credit unions to occupy Government-owned buildings or leased land to construct a credit union facility. Reference most recent version of Department of Defense Financial Management Regulation Volume 12, Chapter 33, *Financial Institutions on Department of Defense Installations*.

A3.1.2. Only one credit union can establish a branch or facility on an Air Force Installation, except where they already existed as of 1 May 2000, as established in 12 United States Code Chapter 14.

A3.1.3. All credit unions must operate in accordance with Department of Defense Instruction 1000.11, *Financial Institutions on Department of Defense Installations*.

A3.1.4. The furnishing of office space and/or land (including Automated Teller Machine placement), for base credit unions may be at no cost for a period not to exceed 5 years if the credit union meets the 95 percent criteria as established in 12 United States Code 1770, *Allotment of Space in Federal Buildings or Federal Land*. When a credit union that meets the 95 percent criteria uses its own funds to expand, modify, or renovate government-owned space, a lease term may be provided for a period commensurate with the extent of the improvements not to exceed 25 years.

A3.1.5. Upon application for no-cost federal office space or a no-cost land lease, the credit union must demonstrate 95 percent of the membership is composed of individuals who are, or who were at the time of admission into the credit union, military personnel, or federal employees or members of their families.

A3.1.6. Before granting a no-cost lease, the Real Estate Office must obtain written certification that membership meets the 95 percent criteria. **(T-0)**. This certification shall be prepared on the credit union's letterhead and signed by either the chairman of the board of directors or the president of the credit union. **(T-0)**. A certification shall also be required whenever there is a merger, takeover, or significant change in membership. **(T-0)**. Certification shall be updated every 5 years and upon renewal of each no-cost lease. **(T-0)**.

A3.1.7. Credit Unions that fail to meet the 95 percent criteria shall be issued a lease under 10 United States Code 2667 as described in Chapter 5 of this publication. **(T-0)**.

Attachment 4

TITLE V PROPERTY SURVEY

Figure A4.1. TITLE V PROPERTY SURVEY

<p>FEDERAL PROPERTY INFORMATION CHECKLIST (REV. 11/89)</p> <p>INSTRUCTIONS: 1) Use this form. 2) Complete all items below or the checklist will be returned.</p> <p>Date: _____ Property ID # [_____] (HUD will assign)</p> <p>1. FEDERAL LANDHOLDING AGENCY: AIR FORCE</p> <p>2. PROPERTY (name): _____ (installation name, if applicable): _____</p> <p>3. ADDRESS (street and number, or if none, a brief description of how to locate property)</p> <p>4. GSA INVENTORY CONTROL NO. (if available):</p> <p>5. PREVIOUSLY REPORTED TO HUD? Yes No Determination by HUD (date: _____): Suitable Unsuitable</p> <p>6. PROPERTY DESCRIPTION: Building Vacant Land Other (improved land)</p> <p>A. Current status: Unutilized Underutilized Excess Surplus If excess or surplus, General Services Administration Disposal Control No.:</p> <p>B. If underutilized, type of underutilization (describe): Portion Seasonal Intermittent Other (describe):</p> <p>C. Predominant surrounding land use:</p> <p>D. Unusual physical features or impediments:</p> <p>E. Legal constraints (right of entry, covenants, permits, licenses, etc.):</p> <p>F. Other (comments):</p> <p>7. BUILDING DESCRIPTION:</p> <p>A. Age:</p> <p>B. Structure type:</p> <p>C. Size (usable square feet per floor):</p> <p>D. Number of floors:</p> <p>E. Current or most recent use (storage, residential, office, etc.):</p> <p>F. If currently occupied or leased, indicate: i. Percentage of total space occupied or otherwise in use: _____ %. ii. Expiration date(s) of any existing lease(s) or renewal period(s):</p> <p>G. If currently vacant, indicate number of months vacant: _____</p> <p>8. BUILDING CONDITION: Meets or has the potential to meet the following criteria:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">MEETS</td> <td></td> <td style="text-align: center;">POTENTIAL</td> </tr> <tr> <td></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">Yes No</td> </tr> </table> <p>A. Operating sanitary facilities</p> <p>B. Potable water</p>			MEETS		POTENTIAL		Yes	No	Yes No
	MEETS		POTENTIAL						
	Yes	No	Yes No						

- C. Electric power
- D. Indicate (if known) distance to nearest utility hook-up(s):
- E. Heating facilities adequate for climate
- F. Structurally sound
 - i. Foundation
 - ii. Floors
 - iii. Roofs
 - iv. Exterior walls
 - v. Interior walls
 - vi. Describe general condition or extent of repairs needed

9. VACANT LAND:

- A. Size (acres, square footage):
- B. Description of improvements (i.e. paved, etc.):
- C. Current or most recent use:
- D. If occupied, indicate:
 - i. Percentage of total land area occupied or otherwise in use: _____ %.
 - ii. Expiration date of any existing lease or renewal period:

10. VACANT LAND CONDITION: Meets or has the potential to meet the following criteria:

MEETS		POTENTIAL	
Yes	No	Yes	No

- A. Operating sanitary facilities
- B. Potable water
- C. Electric power
- D. Indicate (if known) distance to nearest utility hook-up(s):

11. ACCESS:

- A. Does this property have public access? Yes No
 - If yes, how (road, other):
 - If no, indicate:
 - i. Distance to the nearest road:
 - ii. Type of terrain:
 - iii. Miles to nearest town/city:
 - Accessible by public transportation: Yes No
 - Type of transportation:
- B. Indicate any restrictions on access (hours, etc.)

12. ENVIRONMENTAL SUITABILITY:

- A. Is the property subject to contamination by toxic or hazardous materials or waste?
 - Yes No
 - Identify the basis for determination (submit documents):
 - If yes, also identify:
 - i. Nature of contaminants:
 - ii. Location of contaminants:
 - iii. Extent (percentage of building or number of acres affected) of contaminants:

iv. Any scheduled cleanup plans (include projected date of completion and estimate of cost, if known):

B. Is an industrial/commercial Federal facility handling flammable or explosive material (excluding underground storage) located on the property or within 2,000 feet of its boundary (exclude underground storage, gasoline stations, tank trucks, and any above-ground container(s) with a capacity of 100 gallons or less of such materials)?

Yes No

If yes, indicate:

i. Number of acres (herein being determined for possible use by the homeless) located **more than** 2,000 feet from such facility:

ii. Nature of the facility and material:

C: Is any portion of the property located within an airport runway clear zone?

Yes No

If yes, indicate the portion (percentage) of the property which is so located: _____ %.

D. Is any portion of the property located within a 100 year floodplain? (note that the fact that a Federal property is not included in an existing floodplain map or study does not, by itself, justify a "No" answer.)

Yes No

E. Is the property impacted by any other environmental condition which might jeopardize the safety of occupants of the property (e.g., friable asbestos, PCBs, radon, periodic flooding)?

Yes No

Indicate:

i. Basis for determination (submit document):

ii. Nature of condition:

iii. Extent of condition:

iv. Location of condition:

F. Are there any other known environmental conditions which could affect or be impacted by the occupancy of the property (e.g., endangered species, wild and scenic rivers, wetlands, historic properties, storm water runoff; etc.)?

Yes No Undetermined

If yes, for each:

i. Describe the environmental condition:

ii. Describe the potential impact:

iii. Basis for the determination (submit document):

13. SECURITY:

A. Is the property located in a secure facility to which the general public is denied access?

Yes No

B. If the answer above is yes, can alternative access be provided for the general public without compromising security requirements?

Yes No

Indicate method of providing access:

14. LIMITATIONS ON USE:

- A. Are there now, or are there anticipated to be, any other limitations not previously described on the use of this property to assist the homeless for a period of one year or more?

Yes No

If yes, describe the limitation:

- B. Does the limitation currently exist?

Yes No

If no, when will any limitation take effect? _____

(date of effect)

15. CHECKLIST CONTACT PERSON(name):

(title):

(phone number):

(email):

(date prepared):

Yes No PHOTOS (not required) are attached?

Yes No Additional amplifying information documents (not required) are attached?

ADDITIONAL REMARKS (if any):

NOTE: This reporting requirement is exempt from licensing according to Air Force Instruction 33-324, *The Air Force Information Collections and Reports Management Program*.

Attachment 5

OUTGRANTING PUBLIC SCHOOLS

A5.1. Public Schools. All consideration (cash or in-kind) must be at least equal to the fair market value for the lease interest unless the lessee meets the criteria for less than fair market value per 10 United States Code 2667(k), *Leases for education*, and as provided in this instruction at A5.1.4. **(T-0).**

A5.1.1. Prior to commencing any new lease or lease renewal of any Air Force property for a public school on the Installation, the Installation/CC or designated representative shall request review and approval for the public school to operate a school on the Installation through its major command/A1 to Deputy Chief of Staff for Manpower, Personnel, and Services, Directorate of Services (AF/A1S). Upon receipt of the approval, the letter to proceed, the installations shall then submit a request to AFCEC/CI, for the Installation to commence with processing a lease. The request must include a copy of the letter to proceed and the information submitted to and approved by AF/A1S and Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR). All leasing requirements must be satisfactorily completed prior to execution. Unless specifically delegated, SAF/IEI or AFCEC/CI must negotiate, approve, and executes leases for schools. **(T-1).** Reference: Air Force Instruction 36-3036

A5.1.2. The Air Force may grant a lease for vacant land to States, political subdivisions, or their agencies for constructing public schools. Typically, the lease term may not exceed 25 years. The lessee will pay all construction costs, including utility hookups, sidewalks and parking areas in addition to fair market value for the lease interest. **(T-2).**

A5.1.2.1. Bare land acreage leased for school construction shall not exceed criteria established by the appropriate State authority, the Department of Education, or Department of Defense Dependents Schools for the particular type of school. Permits for such purposes may also be issued to the Department of Education or to Department of Defense Dependents Schools at no charge. **(T-2).**

A5.1.3. The Air Force will not incur any costs associated with a lease for public schools. Pursuant to 5.21., the lessee is responsible for all costs of a lease, including but not limited to appraisals, land surveys, environmental reports, utilities, any services authorized to be provided to the lessee, and all other operating and maintenance costs for the lease. Thus, if Installations provide any authorized utilities or other services, Installations must assure full cash reimbursement for such services or costs related to such services. **(T-0).**

A5.1.4. Less than fair market value consideration may be accepted if the lease is to a local education agency or an elementary or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 United States Code § 7801, *Strengthening and Improvement of Elementary and Secondary Schools*)), subject to the following, as applicable.

A5.1.4.1. Leases for an elementary or secondary school owned and/or operated by the local education agency which is open to attendance by any and all military dependent students (i.e., not a magnet, special focus curriculum school, or school with entrance requirements/lottery, etc.), a “traditional elementary or secondary school,” shall be rent free. **(T-1).**

A5.1.4.2. Leases for a non-traditional elementary or secondary school (i.e., charters, magnet, special focus curriculum school, or school with entrance requirements/lottery, etc) whose student population is comprised of at least twenty percent (20%) military dependent students, each year during the term of the lease, will be rent free. **(T-1)**. This attendance rate is based upon the impact aid criteria pursuant to Title 20, United States Code, Chapter 70, Subchapter VIII. For these leases, the lessee will be required to provide evidence of military dependent student enrollment prior to the start of each school year to the installation's school liaison officer. **(T-3)**. In the event the 20% military dependent student attendance rate requirement is not met for any given year during the term of the lease, the lessee may be subject to pay all or a portion of the full fair market rent for that year or years in cash. The amount of rent due and payable shall be determined by SAF/IEI and AFCEC/CI, will depend on the percentage of military dependent student attendance and will be based upon a Government-approved appraisal. **(T-2)**.

A5.1.4.3. As used in this instruction, and pursuant to 20 U.S.C. § 7703b(e), the term "military dependent students" means: "Elementary and secondary school students who are dependents of members of the Armed Forces; and elementary and secondary school students who are dependents of civilian employees of the Department of Defense." As used in this instruction, and pursuant to 10 United States Code. § 2667(k), the terms "local education agency," "elementary school," and "secondary school" shall have the meaning ascribed to them in 20 U.S.C. § 7801, *Strengthening and Improvement of Elementary and Secondary Schools*. Reference: Air Force Instruction 36-3036.

A5.1.5. Schools other than the types set forth in Sections A5.1.4.1. and A.5.1.4.2. above, including private schools, will follow the standard leasing procedures and will be subject to paying fair market value based upon a Government-approved appraisal. **(T-0)**.

A5.1.6. All requests for school lease proposals that have been reviewed and approved in writing by AF/A1S shall be negotiated, approved, and executed by SAF/IEI or AFCEC/CI. **(T-2)**.