

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	Real Property Asset Management	
	Directive Number: FCCINST 1482.1	Effective Date: July 19, 2023

1. **PURPOSE:** This directive establishes a real property asset management program for the Federal Communication Commission (FCC), and provides procedures to ensure that any real property acquisitions, expenditures, and any other types of agreements concerning use of the FCC’s real property are reviewed and approved by the FCC’s Senior Real Property Officer (SRPO). This directive also assigns responsibilities and provides procedures to ensure appropriate maintenance of FCC real property and facilities, accurate reporting of real property assets, and that the overall management of the FCC’s real property is compliant with federal guidelines and requirements.

2. **BACKGROUND:** Federal agencies are required to manage real property assets in accordance with federal laws and requirements including Executive Order (EO) 13327 (Federal Real Property Management), the Federal Management Regulations (FMR), General Services Administration (GSA) requirements, Guiding Principles for Asset Management established by the Federal Real Property Council (FRPC), and any internal FCC guidance for the management and use of real property. These requirements include a duty to report on all owned, leased, and otherwise managed federal real property assets within and outside the United States, including improvements on federal land. Federal agencies are also required to designate Senior Real Property Officers or SRPOs who are authorized to lead and direct the agency’s real property program and implement real property functions provided in federal law, regulation, and policy.

3. **SCOPE:** FCC real property is operated and managed by federal and contractor personnel at FCC Headquarters, field locations, and other locations where the FCC may own, lease or use land, buildings and/or structures required to carry out its mission. This directive applies to all FCC Bureaus, Offices and other FCC organizations that use or have responsibility for FCC real property. None of the requirements in this directive will be implemented in a manner that would conflict with federal laws and regulations or other FCC directives.

4. **AUTHORITIES:** Federal Property and Administrative Services Act of 1949, (Pub. L, 81-152, July 1, 1949, 63 Stat. 377); Federal Property Management Reform Act of 2016 (Pub. L, 114-318, December 16, 2016, 130 Stat.1608); Federal Assets Sale and Transfer Act of 2016 (Pub. L. 114-287, December 16, 2016, 130 Stat. 1463); 41 CFR Chapter 101 (Federal Property Management Regulations) and Chapter 102 (Federal Management Regulations), parts 71 through 85 (Real Property); EO 13327, *Federal Real Property Asset Management*, dated February 4, 2004; GSA FMR Bulletin 2008-B5, *Real Property*

Asset Management Guiding Principles, effective August 8, 2008; Office of Management and Budget Memorandum M-18-21, *Designation and Responsibilities of Agency Senior Real Property Officers*, dated July 12, 2018 (OMB Real Property Officer Memorandum); Office of Management and Budget Memorandum M-20-03, *Implementation of Agency-wide Real Property Capital Planning*, dated November 6, 2019 (OMB Real Property Capital Planning Memorandum); 2020 Federal Real Property Council, *Guidance for Real Property Inventory Reporting*, GSA, August 17, 2020.

5. **DEFINITIONS:** Real property is defined as any property (e.g., land, buildings, structures, trailers, fixed antennas, or any other parcel or construction) owned, leased, used and/or managed by the Federal Government. This definition of real property is specific to any property owned, leased, used and/or managed by the FCC exclusively or in tandem with other Federal, state, and local authorities and non-public or private entities including organization(s) or individual(s).
6. **POLICY:** It is the FCC's policy to manage, maintain, and dispose of real property in a safe, secure, cost-effective, and sustainable manner in accordance with applicable Federal requirements. In order to properly oversee and maintain the agency's real property assets, Bureaus and Offices must submit to the SPRO for prior approval any real property agreements, acquisitions for new property, and any changes to the use of the FCC's current real property, including, but not limited to property improvements, maintenance costs, sharing and storage agreements, and placements of any structures, assets or buildings, whether fixed, permanent, or temporary, such as antennas, huts, or storage units. All FCC Bureaus and Offices and other FCC organizations shall be responsible for maintaining their real property portfolios that they oversee and control, which must include a current and accurate inventory of real property assets.
7. **ROLES & RESPONSIBILITIES:** The following is an overview of the roles and responsibilities for real property asset management at the FCC:
 - a. **The Chair** shall designate a Senior Executive at the FCC to serve as SRPO in accordance with Executive Order 13327. In accordance with the *OMB Real Property Officer Memorandum*, this individual shall already serve in a central leadership position within the agency and have responsibility for the overall management and coordination of the FCC's real property program.
 - b. **The Senior Real Property Officer (SRPO)** leads real property management responsibilities for the FCC. The SRPO must review and approve any changes to real property proposed by Bureaus and Offices before such changes can go into effect. SRPO approval is required for any type of change, disposal, or arrangement pertaining to the use of FCC real property including placement of antenna or other facility, any costs for maintenance, repairs, or other fees, storage, lease or tenancy agreement, or any other type agreement related to the FCC's real property. The SRPO must coordinate agreements for the use of FCC real property with the FCC's Office of General Counsel (OGC) for legal approval. All real property program planning activities for the agency will be led by the SRPO who

will monitor to ensure that FCC real property assets are managed consistent with federal guidance, and will include the review and tracking of Bureau and Office property inventory records and data. The SRPO will report to the Managing Director of the FCC at least annually regarding the status of the FCC's real property inventory, represent the FCC at required federal meetings concerning federal agency real property, as needed, and will be responsible for ensuring that the data required for submission per federal requirements is substantially accurate and complete. To bring any aspect of the FCC's real property program into substantial compliance with relevant legal requirements, the SRPO must also oversee the implementation of any necessary corrective action plans.

- c. FCC Bureau and Office Chiefs must seek the SRPO's prior approval for any proposed change; disposal; arrangement including placement of antenna or other facility; costs for maintenance, repairs, or other fees or costs; and storage, lease or tenancy agreement, or any other type agreement related to the FCC's real property. Bureaus and Offices must actively manage the real property in their portfolio, and coordinate anticipated and other changes with the SRPO for budgetary and operational planning. The Bureaus and Offices must keep current inventories of the real property in their portfolio and submit this data to the SRPO on an annual basis, and as requested. Bureau and Office Chiefs must designate an official that is responsible for these tasks (DO) and submit the name of that official to the SRPO. The DO may also serve as the Bureau or Office official and point of contact for the Real Property Management and Maintenance Requirements in 7.b below. The Bureau or Office must notify the SRPO if a staff member separate from the DO will handle the tasks listed in 7.b, and provide the name of that official.

8. GENERAL PROCEDURES:

a. Real Property Agreement Approval Process

- i. The Bureau or Office designated official (DO) for real property management must seek the SRPO's written approval for any real property agreements, acquisitions of new property, property disposal, and, any other types of changes to the use of the FCC's real property, including, but not limited to property improvements, maintenance, repair costs or other fee arrangements, sharing and storage agreements, and placements or removals of any structures, assets, or buildings, whether fixed, permanent, or temporary, including agreements for installations of antennas, huts or storage units on any facility. The Bureau or Office seeking approval must submit draft agreements and any attachments, diagrams, or other related documents for the SRPO to review.

- ii. The DO must also seek the SRPO's written approval for any lease or tenancy agreement to include any agreement or arrangement where a non-FCC party (e.g., individuals or organizations, including other federal entities) use the FCC's property. The Bureau or Office seeking approval must submit draft agreements and any attachments, diagrams, or other related documents for the SRPO to review. Tenancy and

lease agreements must be in writing, and approved by either the Managing Director or the SRPO.

iii. The SRPO will seek OGC confirmation regarding any required legal approval of agreements related to the use of the FCC's real property.

iv. If the SRPO approves the Bureau or Office request, the SRPO will respond to the Bureau or Office in writing. A Bureau or Office may not proceed with an agreement concerning the use of the FCC's real property until the SRPO confirms approval of its request. If the SRPO feels the request should be rejected, the SRPO will notify the Managing Director of that decision, and the Bureau or Office will be provided an opportunity to discuss the matter with the Managing Director and the SRPO.

v. If a Bureau or Office is unsure whether it must seek SRPO approval for a particular use, its DO may seek the SRPO's informal consult in advance of seeking an official request for the SRPO to approve an agreement.

vi. At a minimum, for the SRPO to consider a request concerning the use of the FCC's real property, the Bureau or Office must ensure that (1) the presence of a third party, structure, antenna placement or other use of the site will not interfere with the FCC's intended purpose for the real property; and (2) the new use of the property presents no physical or national security concerns. When warranted, the SRPO will consult with the Public Safety and Homeland Security Bureau to determine the existence of and address any such security concerns.

vii. Bureaus and Offices must submit all existing agreements for the use of the FCC's real property or other arrangements concerning the FCC's real property for a true-up compliance review, including any third party tenancy arrangements or agreements to use real property that were finalized prior to the effective date of this directive. The SRPO will coordinate with the DO for that Bureau or Office on any necessary amendments and/or corrective action planning and implementation, if applicable.

b. Real Property Management and Maintenance Requirements

i. The B/O DO, in conjunction with the SRPO, must ensure tenant(s) or other entities using FCC real property, and other uses of the real property such as placement of antennas or facilities are in compliance with any terms of use and must collect rent and/or maintenance costs in accordance with the approved use agreement. The B/O DO must disburse the full cost of maintenance and repair, use, and operation of the Bureau or Office real property space, and the SRPO will disburse the full cost of capital improvements to the real property. As a general matter, a capital improvement is a change to the character of the property that enhances its value, extends its useful life, or adapts its function. When in doubt as to whether a change constitutes maintenance and repair or a capital improvement, a B/O shall seek input from the SRPO.

ii. Bureaus and Offices must justify future budgeted costs of real property acquisition or recapitalized requirements, and any budgeted costs of capital improvements deemed to be required.

iii. The SRPO must oversee real property assets in the FCC's inventory, which must include a minimum of one annual site assessment and possible additional site assessments as required. Site assessments must review whether there have been changes to the status of planned construction, condition of structures and any permanent assets, security, or any other issues that pose a risk to the FCC or its mission or functions, or otherwise interferes with the intended purpose of an FCC facility.

iv. Bureaus and Offices that discover or are made aware of unapproved changes to the FCC's property, or of any other unexpected uses of the FCC's property must alert the SRPO within 24 hours of becoming aware of those changes. Any potential safety or security issues must be brought to the attention of the SRPO immediately.

v. In coordination with the SRPO, Bureaus and Offices must assist as needed in the removal of real property assets, whether fixed, permanent, or temporary, that are not being utilized for which Bureaus and Offices are custodians or that are located at sites managed by that Bureau or Office. Removal must take place in accordance with applicable federal procedures, requirements, and guidelines.

c. Real Property Inventory Process

i. Bureaus and Offices must keep accurate and current records of the real property of the FCC in their portfolio, custody, and control. At a minimum, this information must include the current inventory count and for each property, the functional use, status, condition, present value, and maintenance and management records of the property. The inventory must include data on utilization, including whether there are occupied and unoccupied structures and buildings, and if certain assets in the portfolio are no longer being utilized.

ii. Bureaus and Offices must share inventory data with the SRPO on an annual basis and upon request. Bureau and Office FCC real property inventories must be up-to-date as of the last day of each fiscal year.

9. EFFECTIVE DATE AND IMPLEMENTATION: This directive is effective immediately and shall be implemented promptly upon distribution.

MARK
STEPHENS
Mark Stephens
Managing Director

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