



DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
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WASHINGTON DC 20310-0110

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13 SEP 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Deployment of Broadband and Telecommunications Infrastructure on Army Installations

1. References:

a. EO 13821, Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America, January 8, 2018.

b. DAIM-ZA, 6 April 2010, Personal Information Services (PIS) on Army Installations.

2. The purpose of this memorandum is to rescind reference 1.b. and establish a more comprehensive Army real estate policy to facilitate and streamline the application, approval, and deployment of both official and unofficial broadband and telecommunication infrastructure on Army installations. For specific activities related to the establishment of Personal Information Services, such as internet, telephone or telephone services, please refer to Army Regulation (AR) 215-8.

3. The Army supports expedited, streamlined telecommunications and broadband deployment on its installations to include the expansion of broadband coverage both on and off the installation. For the purposes of this policy, broadband includes the deployment of both official and unofficial broadband and telecommunication services and equipment. Unofficial includes Personal Information Services (PIS) provided to Army installation consumers on a fee-for-service basis as defined in 10 USC 2492a. Reference 1.a. also provides an opportunity for the Army to leverage 3rd party investments to advance its interest in the deployment of more advanced telecommunications infrastructure, such as 5G, across the installation in support of mission requirements. Installations should explore and maximize use of the multiple authorities available for granting use of Army real property for this purpose.

4. Policy:

a. Official: FAR-Based contract: Mission requirements for telecommunications services, such as the deployment of FirstNet, are obtained through traditional FAR-based contracts. If such contracts authorize construction on Army land or use of Army real estate, a separate real estate outgrant is not required. If the carrier or provider requires a separate real estate outgrant to protect its investments, such real estate

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outgrant can be awarded non-competitively and with consideration following requirements of the applicable underlying statutory authority for the outgrant. Ownership in any real property constructed will be in accordance with the terms of the contract for the duration of the contract term. Should the contract be non-specific in this regard, the real estate outgrant will govern.

b. Unofficial:

(1) Real estate easement or lease: Real estate leases authorized under 10 USC 2667, or real estate easements under the authority of 10 USC 2668, are the most common methods of granting an interest in Army real property to private entities for commercial purposes. Real estate outgrants are executed by a US Army Corps of Engineers Real Estate Contracting Officer (RECO). In advancement of EO 13821, the applicable landholding command is delegated authority to approve easements with a term not to exceed 25 years, or leases with a term not to exceed 10 years, to wireless broadband industry providers for telecommunications purposes. Redlegation of these authorities is authorized and encouraged to a level not lower than the Garrison Commander or equivalent. Following approval of the easement or lease by the official with the proper authority, a RECO will execute the appropriate real estate outgrant document. In addition, I have determined that a public interest will be served as a result of leasing for telecommunications purposes and approve non-competitive telecommunication leases to wireless broadband companies for the installation and operation of telecommunications equipment on Army land and facilities. To the extent possible, real estate easements and leases should include provisions that authorize Army use of the privately funded equipment and towers for the deployment of Army equipment. Such use is an approved method of in-kind consideration. Ownership of the privately-funded equipment and towers should normally remain with the private party for the duration of the lease/easement.

(2) AAFES Concession Contracts: Broadband deployment for PIS remains Army Morale Welfare and Recreation/AAFES primacy for the primary purpose of providing fee-for-service to the on-post consumers, to include the provisioning of broadband and telecommunication services within the privatized housing leasehold. Any provision for broadband and telecommunication infrastructure deployment (to include construction) under this authority must include applicable approval authority for the real estate outgrant and followed by RECO execution of the real estate outgrant, unless the construction or use of Army property is explicitly authorized in the contract. All provisioning of PIS must comply with 10 USC 2492a. If a real estate outgrant is required, determinations for completion and consideration per paragraph 4 (b) (1) apply.

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(3) Other: UESCs: In a limited number of markets, Utility Energy Services Contracting (UESC) contracts can potentially provide a means to obtain 3rd party financing of telecommunications on the installation. Specific guidance can be obtained through the UESC program management office in the Deputy Assistant Secretary of the Army for Energy and Sustainability (DASA-E&S).

c. All new or renewal requests for telecommunications and broadband services that require use or access to Army real property (facilities or land) will be initially received by or directed to, and processed through, the Installation Directorate of Public Works (DPW). DPWs will establish a Joint review process with all applicable stakeholders to assess the feasibility of each request and identify the preferred method of acquisition. Feedback should be provided to the requestor within 60 days of receipt as to whether the application is accepted and, if conceptually approved, expected process and timeline for project approval. A standard application form to be used for both internal and external requests can be found at enclosure 1.

5. This policy does not address nor replace existing telecommunications deployment requirements found in Army Regulations 25-13 and 5-12 and requires compliance with all other applicable laws, rules, and regulations, to include Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) concerning prohibition on contracting certain telecommunications and video surveillance services or equipment and AR 200-1 and AR 210-20 regarding conformance with environmental requirements and real property master plans. All siting must follow Installation Spectrum Management processes and approval prior to authorization of construction.

6. Assuring Army systems and personnel have adequate access to commercial broadband systems is not only necessary for future enhanced telecommunications capabilities, but is also an important aspect of quality of life for Soldiers, Civilians and Family Members living and working on our installations. Installations are encouraged to consider all available authorities as part of their joint review process.

7. This policy will be incorporated in future Army Real Estate regulations. The POC is this action is Mrs. Miriam Ray, miriam.o.ray.civ@mail.mil, 703-695-0867.

Encl

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