



## DoD DIRECTIVE 4165.06

### REAL PROPERTY

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**Originating Component:** Office of the Under Secretary of Defense for Acquisition and Sustainment

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**Releasability:** Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

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**Approved by:** Kathleen H. Hicks, Deputy Secretary of Defense

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**Purpose:** This issuance establishes policy and assigns responsibilities relating to the acquisition, management, and disposal of real property consistent with Executive Order 13327.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. This issuance applies to all DoD real property holdings except:

(1) Civil works projects (unless relating to mineral exploration and extraction).

(2) The acquisition and management of defense industrial plants that are governed by DoD Directive 4275.5.

### 1.2. POLICY.

a. The acquisition, management, and disposal of real property within the DoD is a function of the Military Departments acting on behalf of the DoD, subject to such specific exceptions as are established by law or by direction of the Secretary of Defense.

b. The acquisition, management, and disposal of real property will be performed to advance the overall mission of the DoD and will not be governed solely by the individual interests of the DoD Components.

c. DoD real property will be managed in the most economical manner to reduce DoD costs without obstructing or prejudicing current or projected defense requirements. Management of real property must be in accordance with DoD Instruction (DoDI) 4165.70.

d. A Military Department will meet the real property acquisition requirements of the DoD Components utilizing real property under its jurisdiction or by acquiring additional real property, applying policies of the Military Department and the DoD as a whole. Acquisitions must be in accordance with DoDI 4165.71.

e. DoD real property that is no longer required for current or projected defense requirements will be disposed. Disposals must be in accordance with DoDI 4165.72.

f. Utilizing the multiple-use principle, DoD real property will be made available for mineral exploration and extraction to the maximum extent possible consistent with military operations, national defense activities, environmental conservation and protection, and Army civil works activities.

g. In accordance with Executive Order 13327, Public Law 114-287, and Public Law 114-318, DoD real property will be managed to promote the most efficient and economic use of DoD

real property assets and to ensure management accountability for implementing Federal real property reforms. Management of real property includes inventory and forecasting efforts pursuant to DoDI 4165.14.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT (USD(A&S)).**

The USD(A&S):

- a. Exercises overall policy making and oversight responsibility of DoD real property.
- b. Establishes overarching guidance and procedures for the acquisition, management, and disposal of DoD real property.
- c. Is hereby delegated or re-delegated, as the case may be, the authorities and responsibilities:
  - (1) Vested in the Secretary of Defense in accordance with Chapter 159 of Title 10, United States Code;
  - (2) Delegated from the Administrator of General Services relating to real property matters;
  - (3) Vested in the Secretary of Defense by any other provision of the United States Code, a national defense authorization act, or a DoD appropriations act, relating to the acquisition, management (including mineral exploration and extraction), or disposal of real property; or
  - (4) Vested in the Secretary of Defense by Executive order or regulation and relating to the acquisition, management (including mineral exploration and extraction), or disposal of real property.

### **2.2. DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS).**

In addition to the responsibilities in Paragraph 2.3., and with respect to the Pentagon Reservation only, the Director, WHS, implements policies and programs to manage and dispose of real property that comprises the Pentagon Reservation in accordance with this issuance. Such policies and programs will specifically ensure that WHS:

- a. Establishes and maintains an accurate inventory of the interests in real property that comprise the Pentagon Reservation.
- b. Has a comprehensive master plan for the Pentagon Reservation.

### **2.3. DOD COMPONENT HEADS.**

The DoD Component heads:

- a. Determine the real property requirements necessary for the performance of the Component's mission.
- b. Communicate those requirements to the servicing Military Department in a timely manner.
- c. Budget and financially manage for the acquisition and sustainment of real property needed to meet the Component's mission.

#### **2.4. SECRETARIES OF THE MILITARY DEPARTMENTS.**

In addition to the responsibilities in Paragraph 2.3., the Secretaries of the Military Departments implement policies and programs to acquire, manage, and dispose of real property in accordance with this issuance. Such policies and programs will specifically ensure that their Department:

- a. Establishes and maintains for all properties in which DoD maintains a legal interest (to include owned, leased, or other managed properties) an accurate inventory to account for the real property under its management responsibility.
- b. Holds or makes plans to obtain and sustain the real property it needs for its own missions and serve as a real property agent for the missions of the DoD Components its real property supports in accordance with the February 22, 2021 Deputy Secretary of Defense Memorandum.
- c. Has comprehensive master plans that cover each installation under its jurisdiction.

## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
DoDI	DoD instruction
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
WHS	Washington Headquarters Services

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>Pentagon Reservation</b>	Defined in Section 2674 of Title 10, United States Code.
<b>real property</b>	Land and improvements to land (e.g., buildings, structures, and linear structures).
<b>real property agent</b>	The Military Department to which the Secretary of Defense, Deputy Secretary of Defense, or the February 22, 2021 Deputy Secretary of Defense Memorandum has assigned responsibility to perform all real property functions on behalf of another DoD Component.

## **REFERENCES**

- Deputy Secretary of Defense Memorandum, “Land Acquisition and Leasing in the United States,” February 22, 2021
- DoD Directive 4275.5, “Acquisition and Management of Industrial Resources,” March 15, 2005, as amended
- DoD Instruction 4165.14, “Real Property Inventory (RPI) and Forecasting,” January 17, 2014, as amended
- DoD Instruction 4165.70, “Real Property Management,” April 6, 2005, as amended
- DoD Instruction 4165.71, “Real Property Acquisition,” January 6, 2005, as amended
- DoD Instruction 4165.72, “Real Property Disposal,” December 21, 2007, as amended
- Executive Order 13327, “Federal Real Property Asset Management,” February 6, 2004, as amended
- Public Law 114-287, “Federal Assets Sale and Transfer Act of 2016,” December 16, 2016
- Public Law 114-318, “Federal Property Management Reform Act of 2016,” December 16, 2016
- United States Code, Title 10