



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

JUN 25 2003

MEMORANDUM FOR ALL MAJCOM STAFF JUDGE ADVOCATES

SUBJECT: Legal Support of Privatization Activities

References: (a) SAF/GC Memorandum "Legal Support of Privatization Activities" dated 26 Nov 2002

(b) SAF/GCN Office of Real Property Guidance Letter 2003-1 dated 19 Mar 2003

This memorandum supersedes Judge Advocate General Special Subject Letter 2003-1, Support of Privatization Activities, dated 13 May 2003, which is hereby rescinded, and refers to the referenced guidance from SAF/GC to MAJCOM SJAs and supplemental guidance from SAF/GCN relating to the roles and responsibilities of Air Force attorneys involved in supporting the privatization of Air Force military family housing at their installations.

The Air Force is aggressively working housing privatization in order to satisfy the Defense Planning Guidance direction to provide military families with access to safe, affordable, and adequate housing. With the exception of four northern-tier locations, the Air Force will eliminate its inadequate housing units in the United States by 2007. The inadequate units at those four northern-tier locations will be eliminated by 2008, and inadequate units at overseas Air Force installations will be eliminated by 2009. In order to accelerate the rate at which we revitalize our inadequate housing inventory, the Assistant Secretary of the Air Force (Installations, Environment & Logistics) (SAF/IE) established a goal of awarding another eight privatization projects by March 2004.

On 19 Mar 2003, the Deputy General Counsel (Installations and Environment) (SAF/GCN) issued the supplemental guidance called for in the General Counsel's Memorandum of 26 Nov 2002, further delineating the roles and responsibilities of Air Force attorneys when providing legal support for housing privatization.

In order for the Air Force to successfully achieve its housing privatization goals, it will require the dedicated support and assistance of Air Force judge advocates and civilian attorneys. Installation commanders look to and rely upon their local counsel to advise them on the intricacies of the entire process. Each of these privatization initiatives involves issues cutting across the entire spectrum of legal services, such as search and seizure, jurisdiction, claims, environmental, acquisition, civil, fiscal, and real property law. Moreover, each of these projects is reviewed at the highest levels within the AF and DOD, and Congress must be notified prior to announcement of a developer's selection. Consequently, it is essential that Air Force attorneys at installation and major command levels be involved in every aspect of the privatization project. Success will require a collaborative effort, with Air Force attorneys at various levels working together as a team.

The Air Force Materiel Command Law Office's Real Estate Division (AFMCLO/JAVR) was previously responsible for providing advice to MAJCOM and Installation points of contact during the project design and source selection phases of the privatization process; however, AFMCLO/JAVR will no longer be providing these services. Instead, AFLSA/JACN will assume certain of these responsibilities, specifically:

- Provide for the management of project design, source solicitation, and operational issues raised by MAJCOM SJAs. Responses to such issues will be consistent with SAF/GCN guidance or forwarded through the AF/JA functional office to SAF/GCN-RPO and SAF/GCQ for development of a coordinated response.
- Identify questions of first impression involving project design, source solicitation, and operational concerns that require either legal or program policy guidance, and coordinate proposed positions through SAF/GCN-RPO and SAF/GCQ.
- Identify problems in the project design, source solicitation and operational areas that are susceptible to improvement through legislation and forward the request for legislative proposals to SAF/GCN-RPO and SAF/GCQ.
- Respond to Executive Steering Group (ESG)¹ questions regarding design, source solicitation, and operational concerns after coordinating responses through SAF/GCN-RPO and SAF/GCQ.
- Support the AF/JA representative on the ESG in responding to project design, source solicitation, and operational issues.

When legal issues arise in projects that require Headquarters Air Force involvement, the affected MAJCOM and installation legal offices are responsible for staffing the legal opinion or policy recommendations through AFLSA/JACN for SAF/GCN-RPO consideration. Additionally, when any privatization matters are to be presented to the ESG involving one of your projects, AFLSA/JACN needs to be informed so their office may coordinate with SAF/GCN-RPO and participate in the pre-briefing of the SAF/GCN and AF/JA representative to the ESG. This is particularly important if there are legal issues involved which have not been resolved or previously discussed with SAF/GCN-RPO.

We are confident that the Air Force legal team is fully capable of developing the necessary expertise to provide the Department of the Air Force with the best possible counsel and ultimately providing the quality housing our service men and women and their families deserve. We look forward to discussing your involvement in these projects during visits to your bases.



THOMAS J. FISKUS, Major General, USAF
The Judge Advocate General



MARY L. WALKER
The General Counsel

¹ The Executive Steering Group is tasked with overall program direction and oversight of program execution and is comprised of representatives of SAF/IEI, SAF/GCN, SAF/FMB, SAF/FMC, SAF/AQC, AF/JA, and AF/ILE.