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Communications and Information

SUSPENSE AND CONTROL OF CONGRESSIONAL AND WHITE HOUSE CORRESPONDENCE

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OPR: SAF/LLI (Col Thomas Shubert)
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Certified by: SAF/LL (Maj Gen Scott Custer)
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This instruction implements AFD 37-1, Air Force Information Management (will convert to AFD 33-3, Information Management), as it specifically relates to information management, suspense, and control of correspondence. This instruction gives more detailed guidance on preparing and processing replies to Congressional and executive inquiries. It does not alter the provisions on processing and coordinating legislative papers (including Executive Orders and Proclamations). It applies to all elements of the Secretariat and the Air Staff.

SUMMARY OF REVISIONS

This instruction clarifies the timelines for processing the various types of Congressional inquiries through Secretariat and Air Staff agencies. This instruction also responds to processing and preparing replies to Congressional members and White House inquiries by Secretariat and Air Staff agencies. A star (★) indicates a revision from the previous edition.

1. General Terms for Inquiries and their Order of Precedence:

1.1. Secretary of Defense (SECDEF) Signature: Inquiries requiring the Secretary's or designated official's signature.

1.2. Secretary of Defense: Routine inquiries addressed to the Secretary or their designated official.

1.3. Secretary of the Air Force (SECAF): Routine inquiries addressed to the Secretary (EXCEPTION: Inquiries which the SECAF will sign will be processed as priority.)

1.4. Chief of Staff of the Air Force (CSAF): Routine inquiries addressed to the Chief of Staff (EXCEPTION: Inquiries which the CSAF will sign will be processed as priority.)

1.5. White House: Routine inquiries addressed to the President from constituents (EXCEPTION: Inquiries which have the personal interest of the President or his staff will be processed as priority.)

1.6. Legislative Liaison (SAF/LL): Routine inquiries addressed to LL representatives.

1.7. Budget and Appropriations Liaison (SAF/FMBL): Routine inquiries addressed to FML representatives.

2. General Time Limitations. Communications with Congress and the Executive Branch of government are extremely sensitive; therefore, it is imperative the Air Force response be both prompt and accurate. Cases that require the Secretary of Defense's signature are top priority and tasked agencies will process them expediently. After receiving an initial tasker from the SAF/LL or SAF/FMBL action office, the Secretariat or Air Staff action officer must forward a fully coordinated proposed reply to SAF/LL or SAF/FMBL by the suspense date. Any coordinating office should not hold responses for more than two working days. After completion of all coordination, return the proposed response to the SAF/LL or SAF/FMBL action officer.

★2.1. If there is a problem meeting the suspense, the Secretariat or Air Staff action officer must notify, no later than 48 hours from suspense date, the SAF/LL or SAF/FMBL action officer so they may prepare an interim reply. If partial information is available for a substantive interim reply, the Air Staff or Secretariat action officer will furnish this information no later than two workdays prior to the suspense date for SECDEF (an extension request must be submitted with SAF/OS approval with an interim letter signed by an Assistant Secretary of Defense or equivalent level), SECAF, and CSAF signature cases.

2.2. For telephonic, email, or informal inquiries, SAF/LL or SAF/FMBL will determine whether an interim reply is required, including type and date of final reply to Congress.

3. Responsibility of the Director of Legislative Liaison and Deputy Assistant Secretary (Budget). AFPD 90-4, *Relations with Congress*, prescribes individual and joint responsibility. SAF/LL or SAF/FMBL, as appropriate, will monitor Secretariat and Air Staff action on inquiries.

4. Responsibility of the Action Officers. The SAF/LL or SAF/FMBL action officer monitors each assigned Congressional or executive inquiry until the final reply is sent. The SAF/LL or SAF/FMBL action officer normally works through the Secretariat or Air Staff and avoids direct communication with field agencies.

4.1. The Secretariat or Air Staff action office must furnish factually responsive information on or before the suspense date or comply with procedures in paragraph 2. For inquiries initiated by a third party, determine whether the subject of the inquiry needs to furnish a Privacy Act release. If needed, the Secretariat or Air Staff office will ask the subject to sign a release authorizing the release of information outside of the Department of Defense. If the subject is no longer on active duty and the requested information is subject to the Privacy Act, the Secretariat or Air Staff office will provide the requested information and state they could not obtain a Privacy Act release. SAF/LL and SAF/FMBL will then notify the Member of Congress that the requested information is not releasable until his or her office obtains the individual's consent. NOTE: When individuals write on their own behalf requesting Congressional assistance and sign their request, they in effect authorize release of personal information back to the Congressional office and no Privacy Act release is needed.

4.2. Should an Air Staff or Secretariat office receive an inquiry not within its purview, the action officer should immediately contact the SAF/LL or SAF/FMBL action officer to discuss the case. Likewise, if a Secretariat or Air Staff action officer determines other offices may need to provide information to fully address an inquiry, and the SAF/LL or SAF/FMBL action officer did not staff the inquiry to the other offices, the Secretariat or Air Staff office should contact the action officer to discuss the case.

4.3. When the Secretariat or Air Staff action officer asks a field activity to supply information or to coordinate on the draft response, the action officer will explain that the sole purpose is to obtain information for a Congressional inquiry, and the field activity should not construe the inquiry otherwise.

4.3.1. The Secretariat or Air Staff action officer will also caution the field commander or staff agency not to code, annotate, or otherwise mark any person's file or record to indicate Congressional or executive interest (AFI 36-2608, *Military Personnel Records System*).

4.3.2. In this regard, Title 10, United States Code, Section 1034 provides that "No person may restrict a member of the armed forces in communicating with a Member of Congress ... does not apply to communication that is unlawful ... No person may take ... an unfavorable personnel action ... as a reprisal against a member of the armed forces...."

★5. Coordination Procedure within the Air Staff. Unless otherwise directed, the requirement for a written, coordinated reply applies equally to written, to include email, and telephonic inquiries referred to the Air Staff. All Headquarters agencies will use HAF Workflow to effect this coordination to the maximum extent possible. The action officer will:

5.1. Coordinate the proposed reply and include a statement that the reply is fully coordinated, except for a reply routed by AF Form 1768, Staff Summary Sheet. Include the name, directorate, and telephone extension of each person who coordinated before submitting it to SAF/LL or SAF/FMBL.

5.2. Obtain signature and coordination at the most appropriate level for issues on a policy standpoint, generally a colonel or GS-15.

★5.3. Furnish information copies via HAF Workflow to intermediate or higher levels, as required.

6. Coordination Procedure within the Office of the Secretary of the Air Force. When SAF/LL or SAF/FMBL sends a proposed Congressional or executive inquiry reply to an office within the Secretariat for coordination, that office will expedite their review and return it to SAF/LL or SAF/FMBL within 24 hours.

7. Responsibility for Handling Direct Inquiries. When a Secretariat or Air Staff office receives a Congressional or executive inquiry directly, the recipient will:

7.1. Retain a copy of the correspondence or a summary if received by telephone contact.

7.2. Annotate the original copy to show how soon a reply will be available; offices will respond within ten workdays.

7.3. Forward the inquiry to SAF/LL or SAF/FMBL within 24 hours.

7.4. Furnish the required information or proposed response to SAF/LL or SAF/FMBL. Note: SAF/LL or SAF/FMBL will prepare and dispatch the final reply. SAF/LL or SAF/FMBL will determine the appropriate signature element.

7.5. If an Secretariat or Air Staff member receives a direct inquiry that does not fall within their area of responsibility, the Secretariat or Air Staff member will immediately contact SAF/LL or SAF/FMBL and forward or deliver the inquiry within 24 hours for processing.

8. Preparing the Reply. Each proposed reply to a Congressional or executive inquiry must be timely, factual, and responsive. The Secretariat or Air Staff action officer must submit the reply in draft form. Since the action officer will generally base the reply on Air Force policy, senior officials must review it. Action officers must adhere to the following specific procedures:

8.1. Format. Secretariat or Air Staff agencies should provide the reply in a Microsoft Word document by electronic data file transmittal (e-mail or HAF Workflow, if tasked by HAF Workflow).

8.2. Signature Level. After coordination (paragraphs 5 and 6), each memorandum transmitting a proposed reply should be signed by:

(1) An officer, colonel or above; or,

(2) A civilian official, GS-15 or above.

8.3. Background Information. To ensure SAF/LL or SAF/FMBL will understand the position expressed in the proposed reply, the action officer will also send background information. If this information should not be included in the final reply, mark this information "For SAF/LL or SAF/FMBL only." The decision to release this material rests with the Office of the Secretary.

9. Direct Replies.

9.1. To the Congress and Executive Branch. Normally, SAF/LL or SAF/FMBL releases communications only to a Member of Congress or their staff. If direct communication by the Air Staff or Secretariat is appropriate, a colonel (or above) or GS-15 (or above) should sign the document. In all cases, furnish SAF/LL with an information copy within 24 hours. These offices should fully coordinate with SAF/LL or SAF/FMBL before release, if the issue is contentious or substantive. In all cases, the responses must be prompt and must completely address the issue.

9.2. To Constituents. Once SAF/LL answers a Member of Congress on a constituent's concern, the constituent will sometimes write directly to SAF/LL disputing the information and/or addressing additional concerns. If appropriate, HAF/ES will staff these inquiries to the action agency for their direct reply back to the constituent. The action agency should provide a copy of the reply to SAF/LL for their records. SAF/LL coordinates responses to Appropriations and Budget Committee member's constituents with SAF/FMBL prior to release. This applies only to Congressional inquiries addressed to SAF/LL personnel and not executive correspondence (Presidential or Vice Presidential, etc.).

★10. Replies to White House Inquiries. When correspondence addressed to the President or Vice President is referred to the Department of the Air Force for reply, SAF/LL will send it to the cognizant Secretariat or Air Staff office for reply. Coordinate the reply as stated in paragraphs 5 and 6, and obtain the approval of a colonel (or above) or GS-15 (or above). Secretariat or Air Staff agencies will provide the reply in a Microsoft Word document by electronic data file transmittal (e-mail or HAF Workflow) to SAF/LL. If the Secretariat or Air Staff cannot send the draft response by the suspense date, notify the SAF/LL action officer immediately so SAF/LL can prepare and send an interim reply.

★11. Replies to Governors, Mayors, and State Legislators Inquiries. When correspondence from a Governor, Mayor, or a State Legislator is referred to the Department of the Air Force for reply, SAF/LL will send it to the cognizant Secretariat or Air Staff office for reply. Coordinate the reply as stated in paragraphs 5 and 6, and obtain the approval of a colonel (or above) or GS-15 (or above). Secretariat or Air Staff agencies will provide the reply in a Microsoft Word document by electronic data file transmittal (e-mail or HAF Workflow) to SAF/LL. If the Secretariat or Air Staff cannot send the draft response by the suspense date, notify the SAF/LL action officer immediately so SAF/LL can prepare and send an interim reply.

★12. Controlling Correspondence. The Information Services Office (SAF/LLIM) is the focal point for controlling all correspondence from or to Members of Congress. SAF/LLIM is also the focal point for correspondence from the President and the Vice President.

12.1. SAF/LLIM logs any Congressional or White House correspondence it receives into the SAF/LLI database and researches the inquiry to determine the appropriate office within SAF/LL or SAF/FMBL to work the issue.

★12.2. SAF/LLIM is responsible for taskings received for SAF/LL from the Headquarters Air Force Executive Secretariat (HAF/ES). SAF/LLIM receives the tasking, enters it into the database, and determines appropriate SAF/LL Action Office, and Secretariat or Air Staff responsible for preparing a draft response. In addition, SAF/LLIM will forward a task information copy to the appropriate two-letter Secretariat or Air Staff office. The task information copy is for informational purposes only.

WILLIAM A. DAVIDSON
Administrative Assistant