

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**



AIR FORCE INSTRUCTION 90-401

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Supplement 1**

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Command Policy

AIR FORCE RELATIONS WITH CONGRESS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFD 90-4, *Relations With Congress*, by providing guidance and procedures for Air Force personnel who respond to inquiries from and interact with the Congress. It describes the responsibilities of the HQ USAF, major command (MAJCOM), and field operating agency (FOA) organizations in providing information to the Congress on various inquiries or requests. Use this instruction with:

DoD Directive 4515.12, *Department of Defense Support for Travel of Members and Employees of Congress*, December 12, 1964.

DoD Directive 5142.1, *Assistant Secretary of Defense (Legislative Affairs)*, July 2, 1982.

DoD Directive 5400.4, *Provision of Information to Congress*, January 30, 1979.

DoD Directive 5545.2, *Policy for Congressional Authorization and Appropriations Reporting Requirements*, July 22, 1996.

Office of Management & Budget Circular A-11, *Preparation and Submission of Budget Estimates*, July 1992.

Office of Management & Budget Circular A-19, *Legislative Coordination and Clearance*, September 20, 1979.

(AFSPC) The OPR for this supplement is HQ AFSPC/CX (Capt Erik Bovasso). This supplement supersedes AFI90-401_AFSPCSUP1, 1 Sep 99. This supplement implements and extends guidance of **Air Force Instruction (AFI) 90-401, *Air Force Relations With Congress***, 1 July 1998. The AFI is published word-for-word without editorial review. This supplement describes AFSPC's procedures for use in conjunction with the basic AFI. It applies to all AFSPC organizations to include tenant units on non-AFSPC bases. It provides AFSPC organizations with direction on how to handle congressional visits and inquir-

ies. This supplement does not apply to Air Force Reserve Command nor Air National Guard units. Upon receipt of this integrated supplement discard the Air Force basic publication.

SUMMARY OF REVISIONS

This is the second publication of AFI 90-401. The initial publication superseded AFR 11-7, 22 December 1983, eliminating the requirement to file reports for congressional committee investigations, hearings, or visits. This revision establishes the Office of Legislative Liaison, Congressional Action Division, SAF/LLX, as the OPR to provide support to wing commanders during visits with members of Congress and their staffs. SAF/LLX will provide support to wing commanders in coordination with the Office of Budget and Appropriations Liaison, SAF/FML, as appropriate. Paragraphs 3.2. and 4.1. are modified, and paragraph 4.9. is added. Additionally, paragraph 1.4. is consolidated into paragraph 1.2., and existing paragraphs 1.5 through 1.8 are redesignated as paragraphs 1.4. through 1.7.

(AFSPC) This revision requires AFSPC organizations to provide feedback to HQ AFSPC/CX on all congressional visits, requests AFSPC organizations to go to SAF/LLO through HQ AFSPC/CX for government transportation requests and clarifies the congressional inquiry process. A bar (|) indicates revision from previous edition.

1. Releasing Information:

1.1. **Congressional Inquiries.** Air Force policy is to cooperate fully with the Congress, and to give full and timely responses to congressional inquiries.

1.2. **Classified Information.** Air Force personnel must properly safeguard information classified in the interests of national defense (according to DoD 5200.1-R, *Information Security Program Regulation*, June 1986, with Change 1 and AFI 31-401, *Information Security Program Management* [formerly AFRs 205-1 and 205-43]). We may disclose classified information to the Congress only with the consent of the Secretary of the Air Force IAW the aforementioned regulations. The Secretary has designated the Office of Security Review (SAF/PAS) as the approval authority for release of classified information to the Congress. Refer congressional requests for classified information to SAF/PAS through SAF/LL or SAF/FML. Also, Air Force officials must not disclose classified information to the Congress for release to a congressional constituent. The only exception is declassified and releasable information the constituent could receive under AFI 37-131 (converting to AF Supplement to DoD 5400.7-R).

1.3. **"For Official Use Only" Information.** According to AFI 37-131, *Air Force Freedom of Information Act Program* (converting to AF Supplement to DoD 5400.7-R), Air Force officials may generally not disclose For Official Use Only (FOUO) information to the public that falls within exemptions 2 through 9 of the Freedom of Information Act (FOIA). However, the Air Force may release such information to chairpersons or ranking minority members of congressional committees or subcommittees if the information relates to matters within their jurisdiction. An Air Force official who decides the information should not be released to the congressional committee must staff the congressional request for information with a recommendation to the Secretary of the Air Force through SAF/LL.

1.4. **Privacy Act Information.** Air Force officials must protect personal information about military and civilian employees according to the guidelines of the Privacy Act. Without an individual's written consent to release information, Air Force officials may provide only general information according to the provisions of AFI 37-132, *Air Force Privacy Act Program* (converting to AFI 33-332) which sets

forth the Privacy Act procedures. The Air Force may, however, disclose an individual's records without the individual's consent when requested by a chairperson or ranking minority member of a congressional committee or subcommittee if the information relates to matters within their jurisdiction. When making such a disclosure, the Air Force should tell the committee or subcommittee members about any sensitive information and the need to safeguard it.

1.5. Information from Air Force People. Air Force personnel have the legal right to petition, furnish information to, or communicate with the Congress (Title 5, United States Code, Section 7102 and Title 10, United States Code, Section 1034).

1.6. Locally Sensitive Information. Information on changes in the status of Air Force units, installations, and industrial facilities may have an impact on states and congressional districts. Therefore, Air Force officials must not release such information without approval from the Secretary of the Air Force. Refer congressional requests for such information to the Office of the Secretary of the Air Force through SAF/LL or SAF/FML.

1.7. Congressional Security Clearances. Senators and Representatives have Top Secret clearances. The Air Force allows members on special committees to see all documents relevant to the committee. To verify the security clearance of congressional staff members, contact the Office of the Secretary of Defense, Legislative Affairs Security Office (OSD/LA).

2. Congressional Visits:

2.1. Members of Congress and their staffs may need to visit Air Force activities. The Air Force fully supports and encourages these visits.

2.2. With Secretary of the Air Force approval, the Air Force may provide transportation for congressional visits.

2.2. (AFSPC) AFSPC organizations contact SAF/LLO through HQ AFSPC/CX to obtain Secretary of the Air Force approval for the use of government transportation (helicopter/airplane) in support of Members of Congress and their staff.

2.3. Restrictions on congressional visits apply during election years and to political activities. Contact SAF/LL or the Office of Public Affairs (SAF/PA) about these restrictions.

3. HQ USAF Responsibilities:

3.1. Secretary of the Air Force. Only the Secretary may deny congressional requests for information or approve congressional travel to Air Force activities.

3.2. Office of Legislative Liaison (SAF/LL). Secretary of the Air Force Order 112.1 gives SAF/LL the authority and responsibility (except for Appropriations Committees, Budget Committees and the Congressional Budget Office) for relations with the Congress, the Executive Office of the President and Vice President, the Office of Secretary of Defense, and other governmental agencies. Official liaison includes:

3.2.1. Developing, coordinating and supervising the Air Force legislative program.

3.2.2. Ensuring accuracy and consistency on all Air Force information intended for the Congress.

- 3.2.3. Keeping members and committees of the Congress advised of Air Force activities in their area of interest.
- 3.2.4. Evaluating, reporting, and disseminating pertinent legislative information to the Air Force.
- 3.2.5. Answering executive office and congressional inquiries/correspondence.
- 3.2.6. Initiating, where appropriate, recommendations for possible remedial action on inquiries reflecting criticism of Air Force policy.
- 3.2.7. Preparing witnesses for congressional hearings.
- 3.2.8. Arranging for and coordinating Air Force testimony at congressional hearings.
- 3.2.9. Supervising Secretariat and Air Staff review of transcripts, inserts from Air Force congressional hearing testimony, and actual hearing questions taken for the record.
- 3.2.10. Supervising congressional travel arrangements and requirements designated as official responsibility of the Air Force.
- 3.2.11. Supporting Wing Commanders during Congressional member visits.

3.3. Office of the Assistant Secretary (Financial Management and Comptroller) (SAF/FM).

Secretary of the Air Force Orders 110.1 and 112.1 give SAF/FM the authority and responsibility for relations with the Appropriations and Budget Committees, and the Congressional Budget Office (CBO). SAF/FM designates the Office of Budget and Appropriations Liaison (SAF/FML) to perform official liaison. Official liaison for the above committees and CBO includes:

- 3.3.1. Developing, coordinating, and supervising the Air Force legislative program.
- 3.3.2. Ensuring the accuracy and consistency of all Air Force information intended for the Congress.
- 3.3.3. Keeping members and committees advised of Air Force activities in their area of interest.
- 3.3.4. Answering executive office and congressional inquiries/correspondence.
- 3.3.5. Initiating, where appropriate, recommendations for possible remedial action on inquiries reflecting criticism of Air Force policy.
- 3.3.6. Preparing witnesses for congressional hearings.
- 3.3.7. Evaluating, reporting, and disseminating pertinent legislative information to the Air Force.
- 3.3.8. Arranging for and coordinating Air Force testimony at congressional hearings.
- 3.3.9. Supervising Secretariat and Air Staff review of transcripts, inserts from Air Force and other defense-related congressional hearing testimony, and questions taken for the record.
- 3.3.10. Tasking and tracking responses to congressional reporting requirements.
- 3.3.11. Making travel arrangements and providing escorts for official travel requirements.
- 3.3.12. Supporting Wing Commanders during Congressional member visits.

3.4. Joint Responsibilities of SAF/LL and SAF/FM. SAF/LL and SAF/FM are responsible for:

- 3.4.1. Securing advance notice of congressional committee hearings, investigations, or visits to the field. In these cases, SAF/LL or SAF/FML notifies the relevant Air Force organizations and

helps committees with their visits. Air Force commanders or Air Force representatives who receive notice of a committee hearing, investigation, or visit directly from the Congress must inform SAF/LL or SAF/FML immediately.

3.4.2. Coordinating SAF/LL and SAF/FML activities to ensure effective legislative liaison.

3.4.3. Coordinating with the proper Air Force Headquarters offices on legislative and budgetary issues.

3.4.4. Processing legislation affecting the Air Force.

3.4.5. Obtaining OMB and OSD clearance of Air Force witness statements, slides, handouts, and so forth before testimony at congressional committee hearings.

3.4.6. Directing the HQ USAF review of transcripts of Air Force testimony at congressional committee hearings and preparation of questions/inserts for the record.

3.4.7. Directing the preparation of Air Force responses required by congressional committee reports and laws.

3.4.8. Maintaining a legislative research library and other source records on congressional matters that affect Air Force programs and budgets.

3.4.9. Informing the SAF/PA of action on congressional requests for information that have potential public relations implications.

3.4.10. Giving SAF/PA copies of unclassified Air Force testimony for release to the media through the Office of the Assistant Secretary of Defense for Public Affairs (OASD/PA).

3.4.11. Encouraging Air Force field organizations to communicate directly with SAF/LL or SAF/FML (in coordination with the respective MAJCOM). You can reach appropriate SAF/LL divisions or SAF/FML by telephone during duty hours (see [Attachment 1](#) for phone and fax numbers), or after office hours through the Air Force Operations Center, HQ USAF.

4. Air Force MAJCOM and FOA Responsibilities:

4.1. Commanders and staff agency chiefs should inform or coordinate with SAF/LL or SAF/FML on all matters of congressional interest including participation in local activities and visits with members of Congress or their staffs. The next sections give more specific instructions.

4.2. Community Activities:

4.2.1. Notify SAF/LL or SAF/FML when local plans or activities generate significant community interest and may interest Members of Congress.

4.2.2. When you plan to invite Members, staff or employees of Congress, the Executive Office of the President, or the Office of the Vice President, send SAF/LL the signed invitation and a cover letter explaining the details of the event 60 days in advance. If 60 days notice is not possible, call the Air Force House or Senate Liaison Office to determine the best way to extend the invitation to Members of Congress, and call the Air Force Congressional Inquiry Division for the best way to extend the invitation to the Executive Office of the President or the Office of the Vice President. These offices can also advise on the proper forms of address. Make no public announcement until SAF/LL or SAF/FML confirms that the guests will attend. Do not mention transportation of members, employees, or spouses in the invitation.

4.2.2. (AFSPC) Congressional visits to AFSPC organizations are encouraged. However, before inviting members of Congress or their staff for a site visit, AFSPC organizations notify SAF/LL through HQ AFSPC/CX.

4.2.3. Coordinate with SAF/LL or SAF/FML when Members of Congress or staff plan to visit your Air Force activity.

4.2.3. (AFSPC) AFSPC organizations notify HQ AFSPC/CX of all congressional visits as soon as such visits are known. Additionally, upon completion of the visit provide feedback to HQ AFSPC/CX within 5 days.

4.2.4. Do not commit the Air Force to providing transportation until SAF/LL notifies you that transportation is approved.

4.3. Congressional Inquiries to Local Commanders:

4.3.1. Air Force policy is to respond promptly and factually to direct requests for information from Members of Congress and their staffs. Commanders will establish appropriate procedures to:

4.3.2. Comply with paragraphs **1.1.** to **1.7.** of this instruction.

4.3.3. Inform SAF/LL or SAF/FML of all congressional inquiries. Fax a copy of a written inquiry to the Legislative Liaison Inquiry Division (SAF/LLI) within 24 hours of the time you receive it. For an inquiry received by telephone, transcribe and fax it to the Inquiry Division within 24 hours of receipt or by the first duty day following a weekend or holiday. (See **Attachment 1** for fax numbers.)

4.3.3. (AFSPC) AFSPC organizations immediately notify SAF/LL or SAF/FML through HQ AFSPC/CX of all congressional inquiries.

4.3.4. Commanders may sign congressional inquiries submitted directly to the unit. Give SAF/LL or SAF/FML a copy of all congressional communications, including original inquiries and proposed replies.

4.3.4. (AFSPC) AFSPC organizations provide SAF/LL or SAF/FML through HQ AFSPC/CX a copy of all congressional communications including original inquiries within 24 hours of receipt and the proposed (in double-space draft) or final replies within 5 workdays. This paragraph does not apply to taskings received through Inspector General channels that fit the criteria for **AFI 90-301, Inspector General Complaints**.

4.4. Congressional Inquiries to Overseas Commanders:

4.4.1. Because of their sensitive nature, process all inquiries about cases dealing with Status of Forces Agreements, individual privileges or rights while stationed outside the continental United States, legal or policy problems, or issues that may become sensitive or controversial as follows:

4.4.2. Within 24 hours of receipt of a congressional inquiry, send an acknowledgment that SAF/LL will send a final reply. Do not speculate on decisions or dates.

4.4.3. Within 5 workdays, fax SAF/LL a double-spaced draft interim or final response together with copies of needed back-up information or correspondence.

4.4.3. (AFSPC) AFSPC organizations provide SAF/LL through HQ AFSPC/CX a double-spaced draft interim or final response together with copies of needed back-up information or correspondence within 5 workdays.

4.4.4. Inform SAF/LL of any changes in intensity or scope of the case.

4.4.4. (AFSPC) AFSPC organizations inform SAF/LL through HQ AFSPC/CX of any changes in intensity or scope of the inquiry.

4.5. Congressional Field Hearings and Investigations:

4.5.1. SAF/LL or SAF/FML is the commander's liaison with the Secretary of the Air Force on all congressional requests for inspection, investigation, and summary reports that require the Secretary's attention.

4.5.2. Members of Congress and their personal and committee staff are entitled to courtesy and respect. Proper identification admits them to any base, field installation, or facility and allows them to use private working space and facilities at a central location. Commanders must ensure that all personnel fully cooperate with committees during hearings and investigations. Allow access to controlled areas in accordance with DoD 5200-1.R and AFI 31-401.

4.5.3. When a committee wants to examine official documents, files, or records within its area of interest or pertinent to its investigation, provide the material in a room set aside for the committee unless release of these materials is not allowed under paragraph 1.1. Assign an Air Force representative to assist if needed.

4.5.4. Refer any requests from a congressional committee to copy, remove, or retain official files, documents, or records (or copies of these documents) to SAF/LL or SAF/FML. SAF/LL or SAF/FML, as appropriate, will coordinate requests to remove files with the Air Force Records Officer (AFCIC/ITC).

4.5.5. Coordinate with Office of the General Counsel (SAF/GC) concerning release of documents related to congressional investigations when there are legal issues involved such as the Privacy Act and claims of privilege.

4.5.6. If a committee notes any deficiencies in Air Force operations or procedures during its field investigation and if the Air Force can take immediate corrective action, do so and advise the committee and either SAF/LL or SAF/FML.

4.6. Congressional Itinerary Changes:

4.6.1. A commander or escort officer who learns of a change in congressional itinerary must coordinate with facilities scheduled for later visits to avoid unannounced arrivals.

4.6.2. The escort officer coordinates each schedule change with SAF/LL or SAF/FML and with all affected activities. All Air Force personnel must give the officer full cooperation.

4.6.3. For unescorted trips, the host commander notifies SAF/LL or SAF/FML of itinerary changes and any new or changed requests. Coordinate directly with facilities scheduled later in the itinerary regarding briefings, transportation, quarters, or other support.

4.7. Photography During Congressional Visits:

4.7.1. When the Air Force takes photographs during a congressional visit, the host field organization must send copies of black and white, 5 by 7-inch glossy prints, with captions, to SAF/LL or SAF/FML within 72 hours after they are developed. For color photographs, send a first-generation transparency.

4.7.2. Original negatives of congressional visits are nonrecord photography. Destroy them with the permission of the local commander. The Air Force may arrange for processing prints of congressional visits through Air Force-sponsored, government-owned, or commercially operated plants.

4.8. Congressional Committee Investigation or Visit:

4.8.1. If SAF/LL or SAF/FML personnel do not escort members of the Congress or their staffs, field commanders should inform SAF/LL or SAF/FML about the outcome of the visit or investigation. Field commanders should also provide information to other interested echelons at their discretion.

4.8.2. Convey the following information to SAF/LL or SAF/FML: the site and length of the visit, names of visiting Members of Congress and staff representatives, deficiencies disclosed by the visit, requests for information, and corrective action.

4.9. Wing Commander Visits With Congressional Delegations:

4.9.1. USAF Wing Commanders are required to visit Capitol Hill annually to meet with their congressional and home state delegations. Commanders should contact SAF/LLX (DSN 225-1000) to arrange these meetings and provide escort.

4.9.1. (AFSPC) AFSPC Wing Commanders contact SAF/LLZ through HQ AFSPC/CX to arrange annual Capitol Hill meetings with congressional and home state delegations.

PAUL V. HESTER, Maj General, USAF
Director, Legislative Liaison

Attachment 1

OFFICE OF LEGISLATIVE LIAISON (SAF/LL), BUDGET & APPROPRIATIONS LIAISON (SAF/FML), AND LEGISLATIVE AFFAIRS SECURITY OFFICE (OSD/LA) TELEPHONE AND FAX DIRECTORY

Office of the Director (SAF/LL)

DSN 227-4142/(703)697-4142/FAX: 227-2001/(703)697-2001

House Liaison Office (SAF/LLH)

DSN 325-4531/(202)685-4531/FAX: 325-2592/(202)685-2592

Congressional Inquiry Division (SAF/LLI)

DSN 227-3783/(703)697-3783/FAX: 227-5298/(703)697-5298

Air Operations Office (SAF/LLO)

DSN 227-1500/(703)697-1500/FAX: 223-7711/(703)693-7711

Programs and Legislation Division (SAF/LLP)

DSN 227-7950/(703)697-7950/FAX: 227-3520/(703)697-3520

Senate Liaison Office (SAF/LLS)

DSN 325-2573/(202)685-2573/FAX: 325-2575/(202)685-2575

Weapon Systems Liaison Division (SAF/LLW)

DSN 227-6711/(703)697-6711/FAX: 227-8623/(703)697-8623

Congressional Action Division (SAF/LLX)

DSN 225-1000/(703)695-1000/FAX: 224-4518/(703)614-4518

Office of Budget & Appropriations Liaison (SAF/FML)

DSN 224-8110/(703)614-8110/FAX: 224-3043/(703)614-3043

Legislative Affairs Security Office (OSD/LA)

DSN 227-9166/(703)697-9166/FAX: 227-8299/(703)697-8299