

BACKGROUND PAPER  
ON  
**USE OF CHARTERED AIRCRAFT**

**ISSUE:**

Use of chartered aircraft services is limited to HHS Operating and Staff Divisions with appropriated authority to solicit and contract for these services. Currently, only the Office of the Secretary, the Centers for Disease Control and Prevention (CDC) and the Indian Health Service (IHS) have such authority.

**BACKGROUND:**

- HHS has most often used chartered aircraft when:
  - CDC's Division of Strategic National Stockpile (DSNS) is deployed in support of an event that requires a Technical Advisory Response Unit (TARU).
  - CDC's Division of Emergency Operations (DEO) is deployed in support of a national emergency, e.g., Hurricane Katrina, pandemic flu, food-borne poison episode, or an anthrax event.
  - IHS executes an on-demand air charter (or rental) in support of either a medical emergency or an ambulatory support mission for members of the Native American community in the United States.
  - The Executive Office of the President designates a specific mission as a White House mission, or declares a need for a specific deployment for a developing or actual emergency situation and directs the Secretary of HHS to respond.
  - The Office of the Secretary arranges for charter aircraft under Federal regulations governing authorized travel on Government aircraft (see 41 C.F.R. § 101-37, 300-3, 301-10 and 301-70). The most common HHS uses are: when there is no scheduled commercial airline service reasonably available, and when the cost of using a Government chartered aircraft is less than the cost of the city-pair fare (or the cost of the lowest available full coach fare if a city-pair fare is not available).

**CURRENT STATUS:**

- CDC's DSNS has contracted with Flight Works, LLC for two primary and one backup charter aircraft, which are available 24/7/365 with a minimum of 2-hours notice.
- CDC's DEO has contracted with Phoenix Air, LLC for a primary and backup charter aircraft, which are available 24/7/365 with a minimum of 2-hours notice.
- IHS has an interagency agreement with the Department of Agriculture for on-demand charter and rental air support, on an as-needed and competitive basis.
- HHS has an interagency agreement with the Department of Transportation for use of FAA aircraft when available.

**BOTTOM LINE:**

Do not commit to or order any charter aircraft services without following strict review and approval procedures. General Counsel, ASRT and ASAM all must approve charter use by the Office of the Secretary when travel by Senior Executives and non-Federal travelers is involved. If you have questions, please consult with ASAM's Office of Acquisition Management and Policy.

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Contact: James H. Kerr, Sr. (ASAM/OAMP)  
Email Address: [jim.kerr@hhs.gov](mailto:jim.kerr@hhs.gov)  
Phone number: (202) 720 1904  
Date Prepared: September 8, 2008

## LOGISTICS

### Executive Use of Government Chartered Aircraft

- **Do** prepare a thorough justification for the use of Government chartered aircraft services based mission priority with a basis of either time or cost. Always cite correct regulations in the justification.
- **Do** coordinate with and secure signatures for each justification from the originating OP/STAFF Division Head, OGC, ASRT, OSEO and ASAM before Government chartered aircraft begins the initial leg of the trip - wheels up.
- **Don't** include family members as passengers on Government chartered aircraft without thorough vetting with OGC and ASAM.
- **Do** consider existing HHS Interagency Agreements, e.g., DOT/FAA charter resources in the Washington DC metropolitan area.
- **Don't** select HHS Center for Disease Control and Prevention (CDC)/Division of Emergency Operations (DEO) Charter aircraft services unless circumstances present a dire emergency, compelling rationale and such use of CDC/DEO aircraft is unavoidable.
- **Do** solicit White House Military Airlift support when executing a Presidential mandated mission.
- **Don't** fail to verify and validate Senior Executive Federal Travel on Military Airlift support aircraft.
- **Do** follow travel senior federal travel regulations when making departure and arrival decisions for Senior Executive travelers.
- **Don't** include "Non-Federal" employee passengers on board Government Chartered aircraft, e.g., contractors, without vetting reimbursement criteria, methods and instructions in current HHS Travel Manual.

## CHARTER AIRCRAFT TEMPLATE

TO: Joe Ellis  
Assistant Secretary for Administration and Management

FROM: **(Typed Name and Position of Requesting Official, e.g.  
OPDIV/STAFFDIV Head or Senior Management Official)  
(Ensure full signature here)**

SUBJECT: Request for Approval of Use of Charter Aircraft

### BACKGROUND

**(Insert brief narrative)**

### PURPOSE

**(Insert brief narrative)**

### LEGAL STANDARD

Title 41 C.F.R Parts 101-37, 300-3, 301-10, and 301-70 contains approval requirements for authorized travel on Government aircraft (Government aircraft include contracted, leased or other charter aircraft). Pursuant to 41 C.F.R. § 301-10.261(a)(1), Government aircraft may be used in cases where no scheduled commercial airline service is reasonably available to fulfill the travel requirement. Pursuant to 41 C.F.R § 301-10.261(a)(2), Government aircraft may be used in cases where the cost of using a Government aircraft is less than the cost of the city-pair fare for scheduled commercial airline service or the cost of the lowest available full coach fare if a city-pair fare is not available. **(The cost of non-productive or lost work time while in travel status and certain other costs should be considered when comparing the cost of using a Government aircraft in lieu of scheduled commercial airline service.)**

The **(insert title of Requesting Official)** hereby certifies that the agency travel requirements identified in this memo for the travel segment(s) from \_\_\_\_\_ to \_\_\_\_\_, cannot be accomplished through the use of regularly-scheduled commercial airline flights and no reasonable alternative is available, thus requiring the use of charter aircraft.

**(and/or the following as applicable)**

The **(insert title Requesting Official)** further certifies that the cost of using Government aircraft is less than the cost of using commercial airline service and related travel costs for the travel segment(s) from \_\_\_\_\_ to \_\_\_\_\_ . Based on this lower cost, the use of charter aircraft for these portions of the trip is permitted.

TRAVEL MANIFEST

**[Insert here or as an attachment. Clearly delineate any members of the Senior Executive Service, Flag Officers or non-Federal travelers. The presence of any such travelers requires the approval of General Counsel. (Contractors are considered Federal travelers under the FTR.)]**

PROPOSED ITINERARY

**(Insert)**

CHARTER JUSTIFICATION

**(Describe why regularly-scheduled airlines are not available and/or why lower cost justifies charter, if applicable)**

Request ASAM approval of this request on the attached "Authorization Required by 41 C.F.R. §§ 301-10.262 and 301-70.801."

See ATTACHMENT(S)

**ATTACHMENT**

**Authorization Required by 41 C.F.R. §§ 301-10.260-66 and 301-70.801**

Pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by (insert requesting official) in the Memorandum dated ( insert date) and the facts recited therein, I approve the use of Government aircraft by the senior federal officials and non-federal travelers named in the Memorandum to meet the Department's stated travel requirements. (If verbal approval was granted prior to memo add "This authorization memorializes my verbal approval of this use of Government aircraft expressed on (insert date). Based on the certifications of the (insert requesting official) that: (1) either no regularly scheduled commercial airline service was reasonably available to fulfill the travel requirement or the use of Government aircraft is more cost-effective than the reasonably available commercial travel options, and (2) this trip is for the official travel of senior federal officials and non-federal travelers named in the Memorandum, and is required to fulfill the purposes and objectives described in the Memorandum, I conclude that use of Government aircraft is appropriate.

**APPROVAL**

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Date

**ATTACHMENT**

**Authorization Required by 41 C.F.R. §§ 301-10.260-66 and 301-70.801**

As the Assistant Secretary for Administration and Management of the U.S. Department of Health and Human Services, I am the designated aircraft authorization official within this Department for use of Government aircraft under regulations promulgated by the General Service Administration, pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by the (insert requesting official) in the Memorandum dated (insert date) and the facts recited therein.

For purposes of this trip, the pertinent policy is that travel on a Government aircraft for official business may be authorized for the individuals named and approved when no regularly scheduled commercial airline service is reasonably available to fulfill the agency's travel requirements (i.e., able to meet the traveler's departure and/or arrival requirements within extraordinary circumstances requiring availability in less than a 24-hour period and/or the cost of using a Government aircraft is not more than the cost of the city-pair fare for scheduled commercial airline service or the lowest coach fare available when there is no city-pair fare) per 41 C.F.R. § 301-70.801(a)(1) and (2).

APPROVED

\_\_\_\_\_  
Joe W. Ellis

\_\_\_\_\_  
Date

# **SAMPLE #1**



**COPY FOR YOUR  
INFORMATION**

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333

Date: July 24, 2008

To: Joe Ellis  
Assistant Secretary for Administration and Management (ASAM)

From: William H. Gimson  
Chief Operating Officer, CDC

Re: Approval to use CDC Government Aircraft required by 41 CFR Parts 101-37,  
300-3, 301-10, 301-70 – **No Notice TARU Deployment to Richmond, Virginia  
on August 4-5, 2008**

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Background

Exercises are performed to test the responsiveness and readiness of the Division of Strategic National Stockpile (DSNS) and FlightWorks. Under the DSNS contract, the carrier has a two-hour response time to transport DSNS Technical Advisory Response Unit (TARU) to the site of an incident or DSNS Team Room staff to activate an alternate Team Room site. TARU is a group of DSNS members with specialized skills who deploy to assist state and local responders with receiving, storing, staging, distributing, and requesting additional assets. The Team Room staff is comprised of functional experts who are trained to quickly activate an alternate Team Room as part of the Division's Continuity of Operations (COOP) Plan.

Purpose of Trip

The individuals listed in **Exhibit A**, six (6) non-SES federal employees and one (1) contractor will be participating in a "no-notice" exercise to test the readiness and responsiveness of FlightWorks, and validate the DSNS ability to deploy and re-deploy its TARU in response to a notional bioterror incident in the State of Virginia during a CDC wide Anthrax Full Scale Exercise. DSNS will validate its ability to quickly alert, assemble, deploy and re-deploy its on-call TARU to the State of Virginia and coordinate receipt of SNS assets with state officials in Richmond, Virginia from August 4-5, 2008. DSNS will test the readiness and responsiveness of FlightWorks, its contracted aircraft, by executing this event as a no-notice alert, deployment and redeployment. Since part of the stated objectives includes testing the responsiveness of FlightWorks, it is not feasible to use commercial air travel for this particular exercise. FlightWorks is a chartered aircraft company contracted to deploy DSNS emergency response personnel within two hours of notification. CDC will use one of the following aircraft: N109DD, N1218C, or N41AV for the Virginia exercise.



**COPY FOR YOUR  
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Page 2 - Approval to use CDC Government Aircraft required by 41 CFR Parts 101-37, 300-3,  
301-10, 301-70 – No Notice TARU Deployment to Richmond, Virginia on August 4-5,  
2008

**Itinerary**

**August 4, 2008**

1800 EDT	TARU departs Atlanta, GA
1900 EDT	TARU arrives in Richmond, VA
2000 EDT	TARU links up with state and local personnel
2030 EDT until complete	TARU assists in preparing Receipt, Store, and Stage (RSS) facility
2200 EDT	DSNS assets arrive at RSS
2200 EDT	VA RSS Staff and TARU begin download of DSNS assets
2300 EDT until complete	VA RSS Staff and TARU commence onward shipping of material

**August 5, 2008**

0006-1200 EDT	TARU assists RSS operations
1200-1300 EDT	TARU repacks material for shipment back to Atlanta
1630 EDT	Estimated time of departure of TARU to Atlanta
1730 EDT	TARU arrives in Atlanta

**COPY FOR YOUR  
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Page 3 - Approval to use CDC Government Aircraft required by 41 CFR Parts 101-37, 300-3, 301-10, 301-70 – No Notice TARU Deployment to Richmond, Virginia on August 4-5, 2008

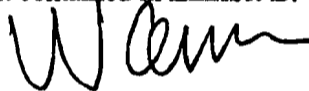
Need for Government Aircraft:

Title 41 Code of Federal Regulations Parts 101-37, 300-3, 301-10, and 301-70 contains approval requirements for authorized travel on government aircraft. Namely, travel on government aircraft may be authorized for official travel when “[n]o scheduled commercial airline service is reasonably available to fulfill [the] agency’s travel requirements (i.e., able to meet the traveler’s departure and/or arrival requirements within a 24-hour period, unless you demonstrate that extraordinary circumstances require a shorter period).” 41 CFR § 301-70-801.

In particular, no scheduled commercial airline service is reasonably available because the purpose of the exercise is to test the DSNS ability to rapidly deploy one TARU team using its chartered aircraft (FlightWorks). FlightWorks is contracted to transport DSNS emergency-response personnel on a two hour departure basis. Thus, it is impossible to schedule flights for exercise participants on commercial airliners because such airliners are not able to fulfill the requirements of deploying personnel on a two hour departure basis upon request from DSNS.

Additionally, the chartered aircraft will remain in Virginia during the exercise to support the TARU in the event of an actual emergency incident. Keeping the aircraft in Virginia during the exercise and then returning to Atlanta with the TARU on August 5<sup>th</sup> is less costly than having the aircraft return empty to Atlanta on the 4<sup>th</sup> and the TARU members return to Atlanta on August 5<sup>th</sup> via commercial airline.

If, on the basis of the facts and representations provided herein, your authorization is required by 41 CFR § 301-70-801, please sign the document contained in **Exhibit B**.



William H. Gimson, M.B.A.

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**Exhibit A**

**Individuals Whose Travel on Government Aircraft Requires  
Authorization under 41 CFR § 301-70-801.**

- **Steven Holland, TARU Lead**  
DSNS, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC  
FTE, Non-supervisor, Civilian
- **Brian Hall, TARU Logistician**  
DSNS, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC  
FTE, Non-supervisor, Civilian
- **Claudia Miron, TARU Liaison Officer**  
DSNS, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC  
FTE, Non-supervisor, Civilian
- **Cynthia Smith, TARU Operations Officer**  
DSNS, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC  
Contractor, Civilian
- **Michael Staley, TARU Evaluator**  
DSNS, Coordinating Office for Terrorism Preparedness and Emergency Response, CDC  
FTE, Non-supervisor, Civilian
- **Robert Freeman, United States Marshal**  
DSNS, United States Marshals Service  
FTE- GS-1811-13, Civilian
- **Charles Warren, United States Marshal**  
DSNS, United States Marshals Service  
FTE- GS-1811-13, Civilian

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**Exhibit B**

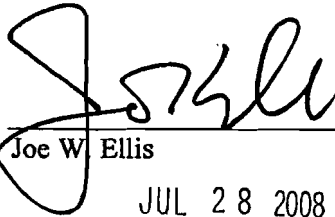
**Authorization Required by 41 CFR § 301-70-801**

As the Assistant Secretary for Administration and Management of the U.S. Department of Health and Human Services, I am the designated aircraft authorization official within this Department for use of government aircraft under regulations promulgated by the General Service Administration (GSA) and found at 41 C.F.R. §§ 301-10.261 and 301-70.800 et seq.,

For purposes of this trip the pertinent policy is that travel for official business purposes may be authorized when no scheduled commercial airline service is reasonably available to fulfill the agency's travel requirements (*i.e.*, able to meet the travelers' departure and/or arrival requirements within extraordinary circumstances requiring availability in less than a 24-hour period and the cost of using Government aircraft is not more that the cost of the city-pair fare for scheduled commercial airline service) 41 C.F.R. § 301-70.801(a)(1) and (2).

The use of government aircraft by the individuals named in Exhibit A is approved for the purpose of their travel for the August 4-5, 2008 exercise to Richmond, Virginia. The purpose of the exercise is to conduct a "no notice" alert, deployment, and re-deployment of DSNS TARU on FlightWorks aircraft.

APPROVED



Joe W. Ellis

JUL 28 2008

Date

# **SAMPLE #2**


**COPY FOR YOUR  
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March 28, 2008

TO: Joe Ellis  
Assistant Secretary for Administration and Management

Charles Johnson  
Assistant Secretary for Resources and Technology

James C. Stansel  
Acting General Counsel

FROM: Rich McKeown   
Chief of Staff

SUBJECT: Request for Approval of Use of Charter Aircraft

**BACKGROUND**

On April 3, 2008, the Secretary will travel to two U.S. cities and will conduct meetings on the Electronic Health Record Demonstration Project.

On August 3, 2007, AHRQ began soliciting applications for communities across the country to seek designation as Chartered Value Exchanges (CVE). *See* 72 Fed. Reg. 43274 – 77 (Aug. 3, 2007). A CVE is a community where health care purchasers, health plans, providers, and consumer representatives have agreed to collaborate on initiatives to improve health care quality and exchange information about health care quality and outcomes. In exchange for designation as a CVE, CMS has agreed to share certain quality outcome measures derived by the integration of de-identified Medicare claims data with the community. In response to the AHRQ solicitation, the agency has received 37 applications from communities across the nation.

At the same time that this initiative is ongoing, HHS will be conducting a demonstration project under authority of section 402(a)(1)(A) of the Social Security Act Amendments of 1967, 42 U.S.C. 1395b-1(a)(1)(A). Under this demonstration project, CMS will make additional Medicare payments to 1,200 physician practices across the nation if those practices are selected for participation in the demonstration project and if those practices agree to comply with the requirements of the demonstration project, including reporting on various quality measures using interoperable health information technology. OMB and the White House approved this demonstration project in November and have authorized the Secretary to begin describing it in public settings in order to solicit interest by physician practices.

## **COPY FOR YOUR INFORMATION**

Both the CVE effort and the electronic health record (EHR) demonstration project are integrally related to the Secretary's value-driven health care priority initiative and to the President's priorities, articulated in the April 27, 2004 Executive Order to "provide leadership for the development and nationwide implementation of an interoperable health information technology infrastructure" (Executive Order 13335) and the August 22, 2006 Executive Order to "promote federally-led efforts to implement more transparent and high-quality health care" (Executive Order 13410). As such, it is imperative that both the CVE initiative and the EHR demonstration project be implemented and operational before January 20, 2009.

Accordingly, the Secretary is traveling to communities across the country from among a group of applicants for CVE status and a group of potential applicants for the EHR demonstration project. In total, he anticipates visiting over 40 cities in February, March and first week of April. As a practical matter, if this travel is not completed in this time frame, it will be impossible to fully implement and integrate these initiatives into HHS policies and procedures by the end of the year.

In order to complete the outlined schedule, the Scheduling and Advance Office has requested the utilization of charter services. Based upon market research, the charter being utilized (an aircraft based in Washington, DC and operated by the Federal Aviation Administration) is the most cost-effective option.

### **LEGAL STANDARD**

Title 41 C.F.R. Parts 101-37, 300-3, 301-10, and 301-70 contains approval requirements for authorized travel on Government aircraft. Pursuant to 41 C.F.R. § 301-10.261(a)(2), government aircraft may be used in cases where the cost of using a government aircraft is less than the cost of the city-pair fare for scheduled commercial airline service or the cost of the lowest available full coach fare if a city-pair fare is not available. The cost of non-productive or lost work time while in travel status and certain other costs should be considered when comparing the cost of using a government aircraft in lieu of scheduled commercial airline service.

The Chief of Staff and the Scheduling Office hereby certify that the cost of using government aircraft is less than the cost of using commercial airline service and related travel costs on this trip. Based on this lower cost, the use of charter aircraft for this trip is permitted.

### **TRAVELING MANIFEST AND RESPONSIBILITIES**

The agency has determined that each of the following individuals is required to travel on Government aircraft on April 3:

- \*Secretary Leavitt

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- \*Greg Morris, Deputy Chief of Staff
- Brynn Barnett, ASPA
- Cecil Wallace, Deputy Director of Scheduling and Advance
- TBD, Travel Protective Agent, HHS
- TBD, Travel Protective Agent, HHS
- Mike Nelson, EHR Project Lead
- Renard Murray, CMS Regional Administrator, IV and VI

Washington to Jackson, MS

- 1) Secretary Leavitt
- 2) Greg Morris
- 3) Brynn Barnett
- 4) Security Agent
- 5) Security Agent
- 6) Cecil Wallace
- 7) Michael Nelson

Jackson, MS to Oklahoma City, OK

- 1) Secretary Leavitt
- 2) Greg Morris
- 3) Brynn Barnett
- 4) Security Agent
- 5) Security Agent
- 6) Cecil Wallace
- 7) Michael Nelson
- 8) Renard Murray

Oklahoma City, OK to Washington

- 1) Secretary Leavitt
- 2) Greg Morris
- 3) Brynn Barnett
- 4) Security Agent
- 5) Security Agent
- 6) Cecil Wallace
- 7) Michael Nelson

\*Senior federal officials are noted with an asterisk.

PROPOSED ITINERARY

Thursday, April 3

- 7:10 am      Depart residence en route DCA – Hangar 6  
                 Drive time: 15 minutes
- 7:30 am      Depart DCA en route Jackson, MS (JAN)



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Flight Time: 2 hours 15 minutes  
(-1 hour time change)

8:45 am Arrive Jackson

8:50 am Depart airport en route event site  
Drive Time 20 minutes

9:10 am Arrive Event Site  
Woolfolk State Office Building  
501 N. West St.  
Jackson, MS

9:30 am Media Round Table

10:00 am EHR Stakeholder Meeting

11:15 am Media Gaggle

11:30 am Depart Event Site en route airport  
Drive time: 20 minutes

12:00 noon Depart Jackson en route Oklahoma City (OKC)  
Flight Time: 1 hour 15 minutes

1:15 pm Arrive OKC

1:25 pm Depart airport en route event site  
Drive time: 20 minutes

1:45 pm Arrive event site  
Oklahoma State Medical Association  
601 N. W. Grand Blvd.  
Oklahoma City, OK 73118

2:00 pm Media Round Table

2:30 pm EHR Stakeholder meeting

3:45 pm Media Gaggle

4:00 pm Depart event site en route airport  
Drive time: 20 minutes

4:30 pm Depart OKC en route DCA  
Flight Time: 2 hours 30 minutes

(+1 hour time change)

7:00 pm Arrive DCA  
7:10 pm Depart DCA en route Residence  
Drive Time: 15 minutes  
7:25 pm Arrive Residence

CHARTER JUSTIFICATION

It is more cost-effective for the Secretary to use the charter aircraft than the commercial options (see Attachment A). The following is the cost comparison between travel by commercial airline and travel by charter aircraft for the Secretary and staff on this trip.

Commercial Travel

Washington, DC to Jackson, MS (7 X \$501)	\$3,507
Jackson, MS to Oklahoma City, OK (8 X \$200)	\$1,600
Oklahoma City, OK to Washington, DC (7 X \$565)	\$3,955
<b>Total Commercial</b>	<b>\$9,062</b>

Charter Travel

Washington, DC to Jackson, MS (2.25 hr X \$1300/hr)	\$2,925
Jackson, MS to Oklahoma City, OK (1.25 hr X \$1300)	\$1,625
Oklahoma City, OK to Washington, DC (2.5 hr X \$1300/hr)	\$3,250
<b>Total Charter</b>	<b>\$7,800</b>

RECOMMENDATION

For the reasons outlined above, the agency's bona fide travel requirement in this case is that the Secretary must visit multiple cities to attend the various functions which are essential to the mission of the Department. In sum, and as explained herein, (1) the Agency has determined that the Secretary must travel to two destinations across the country to attend events pertaining to EHR in order to meet HHS mission requirements, and (2) the requirements of the Federal Travel Regulation are satisfied here because the use of charter aircraft is more cost-effective than the reasonably available commercial travel options.

**Attachment A: Commercial Flight Options**

*Washington, DC (DCA) to Jackson, MS; Jackson, MS to Oklahoma City, OK; Oklahoma City, OK to Washington, DC.*

**April 3, 2008**

Washington, DC to Jackson, MS:

**OPTION 1**

Washington, DC – DCA (6:00 am) to Jackson, MS (8:59 am)      \$501  
Delta Airlines #451/4282 (via Atlanta, GA)

Jackson, MS to Oklahoma City, OK:

**OPTION 1**

Jackson, MS (11:50 am) to Oklahoma City, OK (4:07 pm)      \$200  
Continental Airlines #2523/2500 (via Houston, TX)

Oklahoma City, OK to Washington, DC

**OPTION 1**


Oklahoma City, OK ( 5:24 pm) to Washington, DC (11:28 pm)      \$565  
United Airlines #8029/628 (via Chicago)

**Authorization Required by 41 C.F.R. §§ 301-10.262 and 301-70.801**

Pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by the Chief of Staff and the Scheduling Office in the Chief of Staff's Memorandum (Memorandum) dated March 28, 2008 (and the facts recited therein), I approve the use of Government aircraft by Secretary Michael O. Leavitt and other Department employees named in the Memorandum to meet the Department's stated travel requirements. This authorization memorializes my verbal approval of this use of Government aircraft expressed on March 28, 2008. Based on the certifications of the Chief of Staff and the Scheduling Office that: (1) the use of government aircraft is more cost-effective than the reasonably available commercial travel options, and (2) this trip is for the official travel of Secretary Leavitt and the other Department employees named in the Memorandum, and is required to fulfill the purposes and objectives described in the Memorandum, I conclude that use of Government aircraft is appropriate.

**APPROVAL**

**Dated:** 3/28/08



Joe Ellis  
Assistant Secretary,  
Administration and Management

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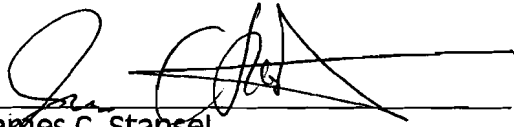
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Pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by the Chief of Staff and the Scheduling Office in the Chief of Staff's Memorandum (Memorandum) dated March 28, 2008 (and the facts recited therein), I approve the use of Government aircraft by Secretary Michael O. Leavitt and senior federal officials named in the Memorandum to meet the Department's stated travel requirements. This authorization memorializes my verbal approval of this use of Government aircraft expressed on March 28, 2008. Based on the certifications of the Chief of Staff and the Scheduling Office that: (1) the use of government aircraft is more cost-effective than the reasonably available commercial travel options, and (2) this trip is for the official travel of Secretary Leavitt and the other senior federal officials named in the Memorandum, and is required to fulfill the purposes and objectives described in the Memorandum, I conclude that use of Government aircraft is appropriate.

**APPROVAL**

**Dated:**


3/28/08

  
James C. Stansel  
Acting General Counsel

The Assistant Secretary for Resources and Technology concurs with the use of Government aircraft for the Secretary and other designated HHS officials as detailed in the Chief of Staff's Memorandum dated March 28, 2008.

**CONCURRENCE**

Dated: 3/28/08



Charles Johnson  
Assistant Secretary,  
Resources and Technology



Assistant Secretary for  
Preparedness & Response  
Washington, D.C. 20201

September 11, 2008

TO: Joe Ellis  
Assistant Secretary for Administration and Management

FROM: Assistant Secretary for Preparedness and Response

SUBJECT: Delegation of Authority

This memo is to delegate signatory authority on my behalf regarding future charter flights that are necessary due to emergency situations to Dr. Kevin Yeskey, Deputy Assistant Secretary and Director, Office of Preparedness and Emergency Operations.

Please do not hesitate to contact, if you need any additional information. I can be reached at (202) 205-2882.

W C VANDERWAGEN MD  
RADM W. Craig Vanderwagen, M.D.

cc: Jay Petillo  
Director, RPE

## CHARTER AIRCRAFT TEMPLATE

TO:           NAME  
                  Assistant Secretary for Administration and Management

FROM:        (Requesting Official, e.g. OPDIV/STAFFDIV Head or  
                  Senior Management Official)

SUBJECT:     Request for Approval of Use of Charter Aircraft

### BACKGROUND

(Insert brief narrative)

### PURPOSE

(Insert brief narrative)

### LEGAL STANDARD

Title 41 C.F.R Parts 101-37, 300-3, 301-10, and 301-70 contains approval requirements for authorized travel on Government aircraft (Gov't aircraft include contracted, leased or other charter aircraft). Pursuant to 41 C.F.R. § 301-10.261(a)(1), Government aircraft may be used in cases where no scheduled commercial airline service is reasonably available to fulfill the travel requirement. Pursuant to 41 C.F.R § 301- 10.261(a)(2), Government aircraft may be used in cases where the cost of using a Government aircraft is less than the cost of the city-pair fare for scheduled commercial airline service or the cost of the lowest available full coach fare if a city-pair fare is not available. The cost of non-productive or lost work time while in travel status and certain other costs should be considered when comparing the cost of using a Government aircraft in lieu of scheduled commercial airline service.

The (insert Requesting Official) hereby certifies that the agency travel requirements identified in this memo for the travel segment(s) from \_\_\_\_\_ to \_\_\_\_\_, cannot be accomplished through the use of regularly-scheduled commercial airline flights and/or no reasonable alternative is available, thus requiring the use of charter aircraft. The (insert Requesting Official) further certifies that the cost of using Government aircraft is less than the cost of using commercial airline service and related travel costs for the travel segment(s) from \_\_\_\_\_



to \_\_\_\_\_. Based on this lower cost, the use of charter aircraft for these portions of the trip is permitted.

Pursuant to 41 C.F.R. § 301-70.803(d) (2), when authorizing space available travel (except as authorized under 10 U.S.C. § 4744 and regulations implementing that statute), the aircraft management office in the agency that owns or hires the aircraft must certify in writing before the flight that the aircraft is scheduled to be used for a bona fide governmental function. Bona fide governmental functions may include support for official travel. The aircraft management office must also certify that carrying a traveler(s) in space available does not cause the need for a larger aircraft or result in more than minor additional cost to the Government. The aircraft management office must retain this certification for two years.

The HHS aircraft management office hereby certifies that the charter aircraft is scheduled to be used for a bona fide governmental function, i.e., official travel as described herein, and that carrying the additional passenger in space available does not cause the need for a larger aircraft or result in more than minor additional cost to the Government.

#### TRAVEL MANIFEST

(Insert)

#### PROPOSED ITINERARY

(Insert)

#### CHARTER JUSTIFICATION

(Insert)

#### RECOMMENDATION

(Insert)

#### COMMERCIAL FLIGHT COST OPTIONS

(Insert)

Authorization Required by 41 C.F.R. §§ 301-10.262 and 301-70.801

See ATTACHMENT(S)

**ATTACHMENT**

**Authorization Required by 41 C.F.R. §§ 301-10.260-66 and 301-70.801**

Pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by (insert requesting official) in the Memorandum dated ( insert date) and the facts recited therein, I approve the use of Government aircraft by the senior federal officials and non-federal travelers named in the Memorandum to meet the Department's stated travel requirements. (If verbal approval was granted prior to memo add "This authorization memorializes my verbal approval of this use of Government aircraft expressed on (insert date). Based on the certifications of the (insert requesting official) that: (1) either no regularly scheduled commercial airline service was reasonably available to fulfill the travel requirement or the use of Government aircraft is more cost-effective than the reasonably available commercial travel options, and (2) this trip is for the official travel of senior federal officials and non-federal travelers named in the Memorandum, and is required to fulfill the purposes and objectives described in the Memorandum, I conclude that use of Government aircraft is appropriate.

APPROVAL

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Date

**ATTACHMENT**

**Authorization Required by 41 C.F.R. §§ 301-10.260-66 and 301-70.801**

As the Assistant Secretary for Administration and Management of the U.S. Department of Health and Human Services, I am the designated aircraft authorization official within this Department for use of Government aircraft under regulations promulgated by the General Service Administration, pursuant to 41 C.F.R. §§ 301-10.262 and 301-70.801, and on the basis of the certifications made by the (insert requesting official) in the Memorandum dated (insert date) and the facts recited therein.

For purposes of this trip, the pertinent policy is that travel on a Government aircraft for official business may be authorized for the individuals named and approved when no regularly scheduled commercial airline service is reasonably available to fulfill the agency's travel requirements (i.e., able to meet the traveler's departure and/or arrival requirements within extraordinary circumstances requiring availability in less than a 24-hour period and/or the cost of using a Government aircraft is not more than the cost of the city-pair fare for scheduled commercial airline service or the lowest coach fare available when there is no city-pair fare) per 41 C.F.R. § 301-70.801(a)(1) and (2).

APPROVED

\_\_\_\_\_  
Joe W. Ellis

\_\_\_\_\_  
Date