POLICY REGARDING REQUIRED USE TRAVEL ON GOVERNMENT AIRCRAFT FOR DEPARTMENTAL OPERATIONS RELATED TO CENTERS FOR DISEASE CONTROL (CDC) AEROMEDICAL BIOLOGICAL CONTAINMENT SYSTEM (ABCS)

Pursuant to 41 C.F.R 301-10.262, an agency's senior legal official or his/or principal deputy must authorize required use travel in compliance with the agency's written policies describing the special circumstances under which the agency will require a traveler t use Government aircraft unless certain exceptions apply. Title 41 C.F.R 301-70.803, in pertinent part, requires that the agency first establish the written standards referred in 41 C.F.R$ 301-10.262. As these standards relate to the implementation of a compliance with the Federal Travel Regulations (FTR), the authority to adopt them has been delegated to the Assistant Secretary for Administration (ASA) and further delegated to the HHS Travel Office.

The U.S. Department of Health and Human Services (HHS) has developed a draft written policy describing special circumstances for required use of Government aircraft. HHS contacted GSA for guidance and further clarification during operations in response to hurricane Katrina regarding the adoption of a "required use policy" related to those response operations.

Kelly Gillian, Associate General Counsel for GSA, at that time, informed HHS that if the agency does not have a current "required use policy," the agency may develop a policy for a particular set of circumstances, i.e., a particular trip. In this instance, Ms. Gillian recommended that the "required use policy" created for a particular trip be put in writing and concurred with in advance by the senior legal official.

Based upon this previous guidance for Hurricane Katrina, HHS sets forth below a "required use policy" for travel on Government aircraft related to the Aeromedical Biological Containment System.

The ABCS is a portable, tent-like device that can be quickly installed inside a modified Gulfstream III (G-III) aircraft. It provides a rapid, readily available, aeromedical evacuation asset to perform emergency movement of infectious/contagious CDC personnel from the field or site of exposure to a facility that can provide adequate and appropriate medical care. The aircraft and ABCS provide the capability to transport one patient per evacuation. Patients can be safely moved into or out of the airplane with limited assistance. This is designed to protect and manage the care of a patient during transport as well as protect flight crew personnel and other passengers from exposure of a potentially communicable disease.

The ABCS prototype has been completed and was approved for use in the specified G-III aircraft by the Federal Aviation Administration (FAA) on August 16, 2011. This approval was necessary because modifications to the aircraft are required for the ABCS to operate, and the FAA must approve any modifications to an aircraft's original design.

The ABCS is authorized to be used only in one of two aircraft, which are owned by Phoenix Air Group. The tail numbers are N163PA and N173PA. Both aircraft are G-III and can be used for multiple purposes – passenger, cargo, and MEDEVAC transport (with or without the ABCS installed).

Title 41 Code of Federal Regulations Section 301-10.262(b) contains approval requirements for an exceptional scheduling requirement (e.g. a national emergency or compelling operational considerations). Since the ABCS can only be installed in one of two aircraft that have been appropriately modified and authorized by the FAA, the use of the ABCS can only be done via Government aircraft which are owned by Phoenix Air Group and under contract to the CDC for use during national emergency and disaster response scenarios.

This policy does not waive or alter the procedural or approval requirements as otherwise required by law or HHS policy, e.g., the approval of the agency's chief legal office on a trip-by-trip basis, the issuance of travel orders, and compliance with procurement and appropriations law for the acquisition of aircraft and expenditure of funds thereto.

Therefore, in accordance with GSA's recommendations and in the absence of an official HHS "required use policy," the described above is approved for reasons set forth above.

E.J. Holland, Jr.
Assistant Secretary for Administration
Date

10/14/11

CONCURRENCE

William Schultz
Acting General Council
Date

10/24/11