

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

**COMMISSIONED CORPS DIRECTIVE**



**CCD 121.04**  
**EFFECTIVE DATE: 27 September 2007**

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**By Order of the Secretary of Health and Human Services:**

**MICHAEL O. LEAVITT**

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SUBJECT: Non-Departmental Organization Details

1. PURPOSE:

- 1-1. This Directive provides the implementing regulations for Section 214 of the Public Health Service (PHS) Act ([42 USC 215](#)) which authorizes the Secretary of Health and Human Services (Secretary) to detail commissioned officers in the Commissioned Corps of the U.S. Public Health Service (Corps) to non-departmental organizations.
- 1-2. This Directive will facilitate the ability of the Department of Health and Human Services (Department or HHS) to respond to requests for public health assistance in an efficient, orderly, and timely manner; to provide health-related services to persons within the Federal government such as active-duty members of the U.S. Coast Guard; and to meet other critical public health needs by the management of functional locations of officers for short periods of time.

2. APPLICABILITY: This Directive applies to all officers except for those officers:

- 2-1. Detailed to international organizations; and
- 2-2. Excluded under policies promulgated by the Assistant Secretary for Health (ASH).

3. AUTHORITY:

- 3-1. Section 214 of the PHS Act ([42 USC 215](#)).
- 3-2. Section 322 of the PHS Act ([42 USC 249](#)).
- 3-3. Section 323 of the PHS Act ([42 USC 250](#)).
- 3-4. Section 325 of the PHS Act ([42 USC 252](#)).
- 3-5. Section 326 of the PHS Act ([42 USC 253](#)).
- 3-6. Executive Order (EO) 11140 dated 30 January 1964 (as amended by EO 12608, 9 September 1987, 52 FR 34617).

- 3-7. Reorganization Plan No. 3 of 1966, dated 25 June 1966 (31 FR 8855).
4. PROPONENT: The proponent of this Directive is the Secretary.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first Directive on detail authority for Corps officers.

## 6. POLICY:

- 6-1. The Secretary may approve any detail:
- a. To a congressional committee;
  - b. To the Executive Office of the President (EOP); and
  - c. To a non-departmental organization for a tour of duty immediately prior to an officer's separation or retirement as defined by the ASH, unless the officer is detailed under a blanket memorandum of agreement (BMA).
- 6-2. The ASH may approve all details except for details to the non-departmental organizations listed in Section 6-1.
- 6-3. Officers may be detailed to Federal Agencies and/or the Armed Forces to cooperate in, or conduct work related to, the functions of such non-departmental organization or the Department.
- a. Officers may have their salaries and allowances fully or partially reimbursed by such non-departmental organization or they may be detailed on a non-reimbursable detail basis with the funds paid from working funds established by law or by the Department or Corps from applicable appropriations.
  - b. Officers detailed to the Armed Forces shall be subject to the laws and regulations of the Armed Forces component to which detailed and shall be duly informed prior to the commencement of a detail.
- 6-4. Officers may be detailed to State health or mental health authorities for the purpose of assisting such organizations in work related to the functions of the Department. Officers may have their salaries and allowances fully or partially reimbursed by such State. Officers may also be detailed to State health or mental health authorities on a non-reimbursable or grant-supported detail basis, or in a leave without pay (LWOP) detail status.
- 6-5. Officers may be detailed to non-profit educational or research institutions or other agencies engaged in health activities for special studies of scientific problems or for the dissemination of information relating to public health. Officers may have their salaries and allowances fully or partially reimbursed by such institution. Officers may also be detailed on a non-reimbursable or grant-supported basis, or in a LWOP status. This section does not apply to officers detailed to international organizations which are not covered by this Directive.
- 6-6. The Secretary may detail officers to congressional committees when it will aid the Department in the more effective discharge of its responsibilities in the field of public health and it is in the best interest of the Department.
- a. Officers will be apprised of the prohibitions against officers engaging in certain political activities and shall acknowledge, in writing, their understanding of such prohibitions prior to performing a congressional detail. Officers will also be advised of the continued applicability of the Department's and Corps' standards of conduct requirements.
  - b. Officers detailed to congressional committees may have their salaries and allowances fully or partially reimbursed by the congressional committee. In

addition, officers may also be detailed to congressional committees on a non-reimbursable basis or in a LWOP status.

- 6-7. Officers detailed to non-departmental organizations may not be utilized in a manner that is inconsistent with the terms of the memorandum of agreement without prior approval from the ASH, or the Secretary when the officer is detailed to a congressional committee or the EOP. For example, officers detailed to non-departmental organizations may not be further detailed to other non-departmental organizations without prior approval from either the Secretary or ASH, as appropriate.
- 6-8. Officers may be detailed to non-departmental organizations under either an individual memorandum of agreement (IMA) or BMA when it is judged by the Secretary or ASH to be in furtherance of an identifiable interest of the Department or fulfills a statutory requirement or mission.
- a. Officers may be detailed to the Armed Forces with their consent and acknowledgment that they will be subject to the Uniform Code of Military Justice. Officers may be detailed to the Armed Forces without notice or consent only during periods when the Corps is militarized in a time of war or emergency pursuant to [42 USC 217](#).
  - b. Officers may be detailed to non-departmental organizations under a BMA, other than the Armed Forces, without the officer's consent.
  - c. Officers may be detailed under an IMA to non-departmental organizations with their written acknowledgement of the code of conduct requirements for such detail.
  - d. When officers are detailed under an IMA to non-departmental organizations, HHS organizations must maintain a position to which officers will return upon the completion of the detail. In addition, upon return, the departmental organization shall be responsible for the officer's pay, allowances, and all other entitlements and shall place the officer in a departmental position commensurate with his/her grade, training, and experience. This section does not apply to officers detailed under a BMA.
- 6-9. Officers may be detailed under IMAs to non-departmental organizations, other than congressional committees and the EOP, for a maximum period of 5 consecutive years. Officers detailed to a congressional committee or the EOP under IMAs may only be detailed for a period not to exceed 2 consecutive years, except as additionally authorized by the Secretary. When authorized under a BMA, officers may be detailed for periods longer than authorized under this section.
- 6-10. Voluntary retirement directly from an IMA is prohibited. The ASH may waive this rule on a case-by-case basis upon written request and supporting justification from the Head of the HHS Operating Division or Staff Division from which the officer is detailed.
- 6-11. Detail requests by non-departmental organizations for specifically named officers are discouraged. In the event that requests for particular officers are received, such requests must demonstrate that the requested officer possesses unique or exceptional training and experience that is not otherwise available from officers who are in the same professional category or have similar education, training, or experience.
- 6-12. Details requiring the Secretary's approval under Section 6-1. shall be submitted to the ASH for review and consideration. Requests deemed appropriate will be forwarded to the Secretary for consideration and final approval. Details requiring ASH approval under

Section 6-2. shall be submitted directly to the ASH for review and final approval. Requesting organizations may identify a specific departmental organization as a potential resource for an officer, in which case the ASH will notify the departmental organization. Requesting organizations may also identify a specific officer for the detail provided the request for a specifically named officer conforms to the requirements set forth in Section 6-11.

- 6-13. The information required for all IMA and BMA detail requests from non-departmental organizations shall be determined under policies promulgated by the ASH.
- 6-14. Personnel agreements are required for all details that are for the following periods of service:
  - a. An indefinite term of service;
  - b. 180 days or more; or
  - c. 179 days or less when the detail is a partially or fully reimbursable detail, grant supported detail, or in a LWOP detail status.
- 6-15. Upon receipt of a detail request pursuant to Section 6-12., the ASH and/or members of the ASH's staff shall work with the requesting organization to develop a personnel agreement for the detail. When officers are detailed to the EOP, the personnel agreements and orders shall reflect the nomenclature used by the EOP. For example, the term "detail" may be used to refer to officers on project-specific details to the EOP pursuant to 42 USC 215 whereas the term "assignment" may be used to refer to details where the duties are more general in nature.
- 6-16. Consistent with other sections in this Directive and the provisions of an applicable BMA or IMA, the standards of conduct for the Department and Corps shall apply to officers on detail. In addition, the conflict of interest prohibitions in Title 18 of the USC remain applicable to officers on detail. For example, in part:
  - a. Section 203 of Title 18 of the U.S. Code ([18 USC 203](#)) prohibits officers from seeking, accepting, or agreeing to receive or accept compensation for any representational services, rendered personally or by another, in relation to any particular matter in which the United States is a party or has direct substantial interest, before a Department, Agency, or other specified entity;
  - b. Section 205 of Title 18 of the U.S. Code ([18 USC 205](#)) prohibits officers from personally acting as an agent or attorney for anyone else before a Department, Agency, or court in connection with any covered matter (judicial proceeding, application, contract, claim, investigation, charge, or other particular matter) in which the United States is a party or has a direct and substantial interest or from prosecuting any claim against the Federal government. It does not matter whether or not the officer is employed for compensation. The statute also prohibits officers from receiving any gratuity or interest in such claim for assistance in prosecuting such claim (although there are several exceptions to this law);
  - c. Officers are prohibited by criminal statute (Section 208(a) of Title 18 of the U.S. Code ([18 USC 208\(a\)](#)), from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person or entity whose interests are imputed to them by this statute, have a financial interest, unless they disclose their interest to the appropriate government official and a written determination is made that the interest is not so

substantial as to likely affect the integrity of the officer's service to the Government;

- d. Officers are prohibited by Section 209 of Title 18 of the U.S. Code ([18 USC 209](#)), from receiving pay or allowances or supplements of pay or benefits from any source other than the United States for the performance of official service or duties unless specifically authorized by law. Note that a task or job that is performed outside of normal working hours does not necessarily allow acceptance of payment for performing it. If the undertaking is part of one's official duties, pay for its performance may not be accepted from any source other than the United States regardless of when it was performed.
- 6-17. Numerous restrictions are placed on officers with respect to their ability to engage in partisan political activities. Therefore, officers on details must ensure strict compliance with any applicable law(s), Directive(s)/regulations, and/or policies. Officers on details should also consult their designated HHS ethics counselor and their HHS supervisor, as required, to resolve any question(s) of interpretation concerning conflict of interest and/or standard of conduct issue(s). Additionally, specific detail assignments may place additional restrictions on officers. Where restrictions appear to be in conflict, officers must comport to that which is most stringent and seek the assistance of an ethics counselor who will determine applicability.
- 6-18. All officers are required to meet and maintain force readiness standards as established by the ASH. Officers detailed under this Directive shall remain subject to and be responsible for meeting these standards. Officers detailed under this Directive shall be subject to recall from the non-departmental organization and/or deployed without notice during a time of war or national emergency as declared by the President, or during a public health emergency or urgent public health need as declared by the Secretary. This provision does not apply to officers detailed to a component of the Armed Forces.
- 6-19. All personnel agreements shall contain the following stipulations:
- a. The term of the detail;
  - b. That the agreement may be shortened, extended, or otherwise modified upon the mutual agreement of the parties;
  - c. That the agreement may be terminated at any time upon the mutual consent of the parties;
  - d. That the agreement may be terminated by any party provided notice is given to all parties in writing at least 90 days prior to the date of termination with the exception of BMAs where there are more than 10 officers detailed at the time of the proposed termination;
  - e. That at least 120 days notice must be given prior to the proposed date of termination if there are more than 10, but less than 30 officers detailed under the BMA at the time of the proposed termination, and for BMAs where there are 30 or more officers detailed at the time of the proposed termination, at least 180 days notice must be given prior to the proposed date of termination, during which time a schedule for the termination and return will be developed and agreed upon by the parties; and
  - f. That the Department may terminate the agreement without notice during a time of war or national emergency as declared by the President, or during a public health emergency as declared by the Secretary. This provision does not apply to

officers detailed to a component of the Armed Forces except as agreed to by the Secretary, or as delegated to the ASH, and either Secretary of Defense or Homeland Security, respectively.

- 6-20. This Directive rescinds regulation 21.95, "Leave Without Pay While On Detail," in [CC49.1.1](#), "Annual, Sick, and Station Leave." Where inconsistent, this Directive also supersedes the policies governing details contained in the electronic Commissioned Corps Issuance System (eCCIS). The provisions contained in IMAs and BMAs that have been approved by the Department prior to the enactment of this Directive shall remain in effect until such time as the IMAs or BMAs are terminated or renegotiated by the approving authority listed in Sections 6-1. and 6-2.
- 7. RESPONSIBILITIES: The ASH may promulgate additional policies, make delegations, and develop personnel agreements necessary to implement this Directive and carry out the details program for the Corps.
- 8. HISTORICAL NOTES: This is the first Directive governing the detail of officers to non-departmental organizations, other than international organizations. Until such time as a new Directive is promulgated for international organizations, the authorities governing such details shall continue to reside in the eCCIS, as supplemented or superseded by specific agreements between the Department and international organizations.

/s/ Michael O. Leavitt

September 27, 2007

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Secretary

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Date