



**Federal Aviation  
Administration**



**Chief Counsel**  
***Fiscal Year 2009 Business Plan***

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# 2009 AGC Business Plan

The Office of the Chief Counsel (AGC) furnishes legal services to the FAA Administrator and all agency organizations worldwide. Our primary functions are providing legal advice, reviewing agency action for legal sufficiency, and providing representational services. AGC's principal legal practice areas include: rulemaking, regulatory enforcement, acquisition and commercial law, airport and environmental law, personnel and labor law, tort and other administrative litigation, international law, legislation and laws applicable generally to the executive branch (e.g., Ethics, Freedom of Information Act (FOIA) and Privacy Act compliance). AGC attorneys represent the agency in a variety of forums, including the National Transportation Safety Board (NTSB), the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), Department of Transportation Administrative Law Judges, and the United States federal courts.

In addition to the more traditional legal services, AGC also supports two distinct internal FAA adjudicative functions. First, the Office of Dispute Resolution for Acquisition (ODRA) serves as the Administrator's adjudicatory body in acquisition-related matters. Second, a discrete segment of the office supports the FAA's civil penalty adjudication function by serving as a confidential advisor to the Administrator in his capacity as the Civil Penalty Program Decision-maker pursuant to Title 49, United States Code, § 46301.

AGC also houses the FAA's Dispute Resolution Specialist, who is responsible for implementing the provisions of the Administrative Dispute Resolution Act within the entire agency. Finally, AGC also works closely with the Office of the General Counsel of the Department of Transportation on issues that are common to modal administrations or that are of national significance to the aviation industry.

## Increased Safety

The Office of the Chief Counsel (AGC) supports the FAA's goal of increased safety primarily through our regulatory enforcement activity, rulemaking activity and vigorous defense of the agency in various types of litigation. Regulatory enforcement is a core safety activity. AGC attorneys prosecute all manner of enforcement cases referred by the Flight Standards Service, Aircraft Certification Service, the Office of Aerospace Medicine, the Office of Security and Hazardous Materials, the Office of Airports, and the Office of Commercial Space Transportation. Our attorneys represent the FAA on such matters before the NTSB, the FAA Decision-maker, and

the federal courts. Proactively, we provide legal advice and policy guidance on the FAA's various voluntary safety programs, such as the Aviation Safety Action Program (ASAP), Voluntary Disclosure Reporting Program (VDRP), and Flight Operational Quality Assurance (FOQA) program.

FAA safety regulations are one of the agency's primary means of ensuring safety in air commerce and commercial space. AGC plays a key role in the FAA's rulemaking activities by ensuring that rules meet legal standards and by assisting the agency in completing critical safety rules on schedule. AGC attorneys participate on rulemaking teams, review draft regulations for legal sufficiency, and provide advice on the legality of regulations, orders, exemptions, airspace actions and obstruction determinations. We also provide interpretations of FAA regulations to internal agency officials and members of the public.

The litigation staff defends the agency in all phases of aircraft accident litigation and represents the agency in various other actions. AGC attorneys provide advice during aircraft accident investigations and defend the agency in associated litigation; evaluate tort claims; secure Department of Justice (DOJ) representation for FAA employees sued in an individual capacity; assist DOJ in defending wrongful death, personal injury and property damage lawsuits; represent the FAA before federal courts, including courts of appeals on petitions to review agency orders; and handle requests for employee testimony in private litigation matters. The Civil Penalty staff advises the Administrator, in his capacity as Decision-maker on cases appealed from decisions issued by Administrative Law Judges (ALJs).

## Flight Plan Target: Commercial Air Carrier Fatality Rate

Cut the rate of fatalities per 100 million persons on board in half by FY 2025. FY 2009 Target: 8.4

### Strategic Initiative: Critical Safety Rules

Send critical safety rules to the Office of the Secretary of Transportation within 90 days of the planned date.

#### Strategic Activity: Rule Submissions

Submit to OST or issue 80% of the "A" rules approved by the Rulemaking Council within 90 days of the scheduled date.

#### Activity Target 1:

Submit to OST 80% of the significant rules approved by the Rulemaking Council within 90

days of the scheduled date. Due September 30, 2009

**Activity Target 2:**

Issue 80% of the nonsignificant rules approved by the Council since 10/01/04 within 90 days of the scheduled date. Due September 30, 2009

## **Core Business Measure: Compliance and Enforcement**

Prosecute enforcement actions in support of safety goals by taking the first legal action on 80% of the number of cases received in AGC during the 12 month period preceding July 31, 2009.

### **Core Business Function: Legal Services Supporting the Agency Compliance and Enforcement Program**

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST. In accordance with agency safety goals, support development and implementation of voluntary safety programs and prosecute legal enforcement actions against those who violate the FAA's statute, regulations, Hazardous Materials Transportation Act, and the hazardous materials transportation regulations. Represent the agency before the NTSB, FAA Decision-maker and the federal courts. Provide timely and effective legal advice and policy document review in support of enforcement activities. Provide training the enforcement investigative personnel to improve agency enforcement program effectiveness.

#### **Core Activity: Timely Prosecute Legal Enforcement Actions**

Support safety and enforcement activities of AVS, ASH, ARP, AST by timely prosecuting legal enforcement actions.

**Activity Target 1:**

Take the first legal action on 80% of the number of cases received in AGC during the 12 month period preceding July 31, 2009. Due July 31, 2009

**Activity Target 2:**

Provide quarterly status reports to the Deputy Chief Counsel for Operations, and a final report, including an evaluation of results and recommended improvement action. Due September 15, 2009

### **Core Activity: Support Agency Compliance and Enforcement Review Team**

As part of the Compliance and Enforcement Review Team (CERT), implement approved changes resulting from the evaluation of the Enforcement Decision Tool conducted in FY 2008.

**Activity Target 1:**

Develop target date and interim milestones within 60 days after CERT provides guidance. Due September 30, 2009

### **Core Activity: Conduct Training for 25% of Offices with Enforcement Investigative Personnel**

Conduct training/feedback sessions for enforcement investigative personnel.

**Activity Target 1:**

Establish a training plan, identifying offices to be trained and appropriate methods to conduct training, and submit to Deputy Chief Counsel for Operations. Due November 7, 2008

**Activity Target 2:**

Conduct training sessions in accordance with training plan so that ¼ of offices with enforcement investigative personnel receive training. Submit final report of results and recommendations, if any, to Deputy Chief Counsel for Operations. Due September 15, 2009

### **Core Activity: Conduct Enforcement Attorney Recurrent Training Session**

Hold a training session for the AGC attorneys practicing in the area of enforcement law. Training will include subjects pertaining to litigation of enforcement cases and updates on policy and law affecting this practice area.

**Activity Target 1:**

Identify location and dates and develop draft training agenda. Due December 31, 2008

**Activity Target 2:**

Finalize agenda, participant list and budget. Due March 2, 2009

**Activity Target 3:**

Conduct recurrent training conference. Due September 26, 2009

## **Core Business Measure: Rulemaking Legal Services**

In addition to assisting ARM to complete 80% of critical safety rules within 90 days of original due date to OST,

provide regulatory legal services in accordance with other rulemaking priorities as identified through monthly meetings and complete 50% of public request for regulatory interpretations within 120 days of receipt.

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### **Core Business Function: Support Agency Rulemaking Activity**

Support Agency rulemaking activities and improvements by ensuring rules meet legal standards, provide legal services in accordance with flight plan and client priorities, and provide the regulated community with timely guidance in response to requests for interpretations.

#### **Core Activity: Regulatory Legal Services in Accordance With Agency Priorities.**

Provide legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking and ensure, through regular formal meetings, that the services are provided in a manner that reflects the priorities of the Administrator, the Flight Plan and AGC's primary clients.

##### **Activity Target 1:**

Provide legal services and at a minimum meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and reassess service being provided, as appropriate. Due September 30, 2009

#### **Core Activity: Respond to Public Requests for Interpretations**

Provide regulated community with timely guidance in responses to public requests for interpretations of FAA regulations.

##### **Activity Target 1:**

Respond to 50% of requests within 120 days of receipt in FY2009. Due September 30, 2009

#### **Core Activity: Establish Regulatory Post Employment Limitations for FAA Flight Standards Inspectors**

Establish regulatory post employment limitations for FAA Flight Standard inspectors relating to Part 121 or 135 operations.

##### **Activity Target 1:**

Final rule establishing post employment limitations for FAA Flight Standards Inspectors will be out of the agency. Due May 29, 2009

## **Core Business Measure: Accident and Tort Litigation Services**

Complete all tort claim analysis within 6 months of receipt of claim and complete agency contingent liability report by quarterly due date.

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### **Core Business Function: Litigation Legal Services**

Provide representational legal services relating to accident investigations and related litigation, secure DOJ representation, represent the Agency in federal district and appeal courts, process tort claims, serve as liaison with NTSB on accident matters, provide general legal services functions, and advise the Administrator on appeal in civil penalty cases. Keeps the Administrator apprised of the Agency's contingent liability.

#### **Core Activity: Timely Provision Of Representational Legal Services.**

Ensure that representational legal services are provided in a timely manner.

##### **Activity Target 1:**

Prepare claims analysis within 6 months of receipt of claim. Due September 30, 2009

##### **Activity Target 2:**

Prepare proposed answers or response within 50 days of filing of complaint. Due September 30, 2009

#### **Core Activity: Contingent Liability**

Monitor the Agency's contingent liability and keeps the Chief Counsel and Administrator apprised of potential agency exposure.

##### **Activity Target 1:**

Coordinate with Financial Management Services (AFM) litigation liability response on a quarterly basis during FY2009. Due September 30, 2009

##### **Activity Target 2:**

Complete report to meet quarterly deadline and, as necessary, keep the Administrator, Deputy Administrator and ATO apprised of significant changes and potential future liability likely to affect the agency. Due September 30, 2009

## **Greater Capacity**

The Office of the Chief Counsel (AGC) supports the agency's increased capacity goal in two critical ways. First, AGC plays a vital role in advising program offices on the legal and environmental implications of programs that enhance airport and airspace capacity and defending the

agency's choice of action. Second, AGC provides legal support to program offices responsible for acquiring safety and capacity enhancing equipment, services and technology.

AGC attorneys provide legal advice, litigation support, policy and regulatory guidance, and legal sufficiency reviews related to environmental review of airport capacity and capacity-related projects, administration of the airport improvement program, funding of runway expansion and safety projects, redesign of the airspace surrounding airports in major metropolitan areas, and streamlined environmental review and compliance. The Office of Chief Counsel also supports development of air tour management plans over national parks and the Slot Management Program.

The Acquisition and Commercial Law staff assists clients in acquiring safety and capacity enhancing equipment and services, as well as, the intellectual and real property needed to support Flight Plan initiatives and other high priority projects. The staff supports all high value agency procurement activities; advises on grants, cooperative agreements, other transaction agreements; and represents the Agency in acquisition related litigation and disputes. The acquisition group also provides the commercial services needed to support the agency's information security requirements and import-export law compliance.

The Office of Dispute Resolution for Acquisition (ODRA) serves as the Administrator's administrative adjudicatory body in acquisition-related matters and ensures that acquisition conflicts are resolved through alternative dispute resolution processes or promptly adjudicated. ODRA provides timely, efficient and accessible dispute resolutions processes to resolve acquisition related conflicts.

## **Flight Plan Target: Airport Average Daily Capacity (7 Metro Areas)**

Achieve an average daily airport capacity for the 7 Metro areas of 39,484 arrivals and departures per day by FY 2009, and maintain through FY 2013. FY 2009 Target: 39,484

### **Strategic Initiative: Capacity-Enhancing Policies**

Work with the aviation community to establish the most feasible policies to enhance capacity and manage congestion.

#### **Strategic Activity: Institution of Capacity Restrictions at LaGuardia(LGA), John F. Kennedy International Airport (JFK) and Newark Liberty International Airport**

### **(EWR)**

In conjunction with AEP, finalize rulemaking designed to relieve flight delays and allocate slots at LGA, JFK and EWR airports.

#### **Activity Target 1:**

AGC will provide to AEP legal review and guidance on the final LGA rule as needed within deadlines established by the rulemaking team. Due September 30, 2009

#### **Activity Target 2:**

As needed, AGC will provide to AEP legal review and guidance on the final JFK/EWR rule within deadlines agreed by FAA and OST. Due September 30, 2009

#### **Activity Target 3:**

As needed, AGC will provide to AEP legal review and guidance on the market-based mechanisms within deadlines established by the rulemaking team. Due September 30, 2009

#### **Activity Target 4:**

AGC will manage slot allocations as needed. Due September 30, 2009

### **Strategic Activity: Airports Compliance Order**

Provide legal sufficiency review of an updated Airports Compliance Order.

#### **Activity Target 1:**

Complete legal sufficiency review to support issuance of an updated Airports Compliance Order. Due August 31, 2009

### **Strategic Initiative: Environmental Impact Studies**

Monitor and maintain scheduled progress for Environmental Impact Statements at Philadelphia and Southern Nevada (located within the 7 Metro areas).

#### **Strategic Activity: Southern Nevada Supplemental Airport Environmental Law Services**

Monitor and maintain scheduled progress for the Southern Nevada Supplemental Airport Environmental Impact Statement (EIS) study.

#### **Activity Target 1:**

Ensure regional established milestones and completion dates for the Southern Nevada Supplemental Airport Environmental Impact Statement (EIS) study are met in Fiscal Year 2009. Due September 30, 2009

#### **Activity Target 2:**

Attend a review with ARP executives of the progress made on the Southern Nevada

Supplemental Airport EIS. Due March 31, 2009

### **Strategic Activity: Philadelphia International Airport Environmental Law Services**

Monitor and maintain scheduled progress for the Philadelphia International Airport Environmental Impact Statement (EIS) study.

#### **Activity Target 1:**

Ensure regional established milestones and completion dates for the Philadelphia International Airport Environmental Impact Statement (EIS) study are met in Fiscal Year 2009. Due September 30, 2009

#### **Activity Target 2:**

Attend a review with ARP executives of the progress made on the Philadelphia International Airport EIS. Due March 31, 2009

### **Strategic Initiative: Metropolitan Airspace Redesign**

Redesign the airspace of the 7 Metro areas including the continued implementation of the New York/New Jersey Airspace Redesign Project.

#### **Strategic Activity: Redesign Airspace and Traffic Flows in 7 Major Metro Areas**

(1) Monitor and maintain scheduled progress for environmental review to redesign the airspace and air traffic systems for Boston, San Francisco, Atlanta, Washington/Baltimore, and Western Corridor.

(2) Provide legal advice to support ongoing implementation and representational legal services to defend the NY/NJ/PHL Metropolitan Airspace Redesign, Chicago Airspace, and Houston Area Air Traffic System projects.

#### **Activity Target 1:**

In cooperation with the Air Traffic Organization, on an ongoing basis develop schedules and milestones for completion of environmental review for projects to redesign the airspace for Boston, San Francisco, Atlanta, Washington/Baltimore, and Western Corridor (southern California, including San Diego, Los Angeles Basin). Obtain or prepare and circulate a master schedule for these projects to managers and attorneys in headquarters and appropriate regional offices. Due September 30, 2009

#### **Activity Target 2:**

Consistent with legal requirements, ensure regional established milestones and completion dates for these environmental reviews are met in FY 2009, including legal sufficiency review of any

preliminary draft and final EISs and draft records of decision within 25 days. Due September 30, 2009

#### **Activity Target 3:**

Target 3: Provide timely and effective representational legal services and work closely with ATO and Department of Justice attorneys to achieve the best results in the consolidated NYNJPHL Airspace Redesign cases by:

- (a) circulating weekly status reports;
- (b) creating an electronic document management system;
- (c) convening periodic litigation strategy sessions;
- (d) identifying and researching key issues based on the administrative record in advance;
- (e) reviewing initial briefs and providing comments on the statement of facts with references to the administrative record within 60 days of receipt;
- (f) preparing a draft statement of facts and providing additional assistance as requested in drafting respondent's briefs;
- (g) reviewing the reply briefs and providing additional comments at least 30 days before oral argument; and participating in the moot court for oral argument. Due September 30, 2009

### **Flight Plan Target: Annual Service Volume**

Commission nine new runway/taxiway projects, increasing the annual service volume of the 35 OEP airports by at least 1 percent annually, measured as a five-year moving average, through FY 2013. FY 2009 Target: 1% 5 runways

### **Strategic Initiative: Environmental Studies (Located outside the 7 major metro areas)**

Support environmental processing of airfield improvements at the 35 OEP airports including projects that support Vision 100 environmental streamlining.

#### **Strategic Activity: Fort Lauderdale-Hollywood International Airport Environmental Law Services**

Monitor and maintain scheduled progress for the Fort Lauderdale-Hollywood International Airport Environmental Impact Statement (EIS) study.

#### **Activity Target 1:**

Ensure regional established milestones and completion dates for the Fort Lauderdale-Hollywood International Airport Environmental Impact Statement (EIS) study are met in Fiscal Year 2009. Due December 31, 2008

## **Strategic Activity: West Palm Beach Airport Environmental Law Services**

Monitor and maintain scheduled progress for the West Palm Beach Airport Environmental Impact Statement (EIS) study.

### **Activity Target 1:**

Ensure regional established milestones and completion dates for the West Palm Beach Airport Environmental Impact Statement (EIS) study are met in Fiscal Year 2009. Due September 30, 2009

### **Activity Target 2:**

Attend a review with ARP executives of the progress made on the West Palm Beach Airport EIS. Due March 31, 2009

## **Strategic Activity: Houston - George Bush Intercontinental Airport Environmental Law Services**

Monitor and maintain scheduled progress for the Houston - George Bush Intercontinental Airport Environmental Impact Statement (EIS) study.

### **Activity Target 1:**

Ensure regional established milestones and completion dates for the Houston -- George Bush Intercontinental Airport Environmental Impact Statement (EIS) study is met in Fiscal Year 2009. Due September 30, 2009

### **Activity Target 2:**

Attend a review with ARP executives of the progress made on the Houston -- George Bush Intercontinental Airport EIS. Due March 31, 2009

## **Flight Plan Target: NAS On-Time Arrivals**

Achieve a NAS on-time arrival rate of 88.0 percent at the 35 OEP airports and maintain through FY 2013. FY 2009 Target: 88.00%

## **Strategic Initiative: Delay Mitigation**

Mitigate forecasted delay with congestion action teams composed of FAA, airports and operators.

### **Strategic Activity: Delay Mitigation**

Each affected LOB will support the Regional Administrator (RA) in the creation of the CAT. Each LOB will identify a member representative that will support the CAT. These individuals will be empowered to "speak" and accept responsibilities on behalf of their respective LOBs, provide briefings to other LOB team members and management, and help identify a solution set to timely mitigate forecasted delays.

The CAT will be responsible to: identify problem areas and causal factors leading to congestion and delay; explore available options to timely mitigate delays at forecasted congested airports; support the identification of required key activities and milestones; identify key organizations' roles and responsibilities; prepare an "RTAP-like" matrix that can be used to manage progress of the planning and implementation of mitigation measures, including securing commitments from impacted LOBs to establish a timeline for implementing required activities, milestones, inter-relationships, roles and responsibilities; and monitoring and reporting the progress of the CAT..

Each LOB representative on the CAT will provide progress summaries to management within their LOB. The RA will provide progress summaries to the initiative owner and to satisfy flight plan reporting requirements.

### **Activity Target 1:**

As needed, AGC will provide legal review and guidance. Due September 15, 2009

## **Core Business Measure: Airport and Environmental Legal Services**

Maintain scheduled progress for environmental review for projects to redesign terminal airspace and change procedures to support new and existing runways at Organizational Evolution Partnership (OEP) airports including the West Florida Redesign, Seattle Terminal, and the D.C. Metropolitan Area Redesign.

Complete 70% of legal sufficiency reviews of final draft Part 16 Final Agency Decision within two weeks.

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## **Core Business Function: Legal Services to Airport & Environmental Program Offices**

Provide legal support necessary to streamline and complete on a timely basis environmental reviews for airport capacity and capacity-related projects on a timely basis and continue to develop strategies and best practices to minimize legal risks in FAA airport and environmental litigation. Provide legal support for efficient administration of the AIP, the airport compliance program, and the passenger facility charges program (PFC), including legal sufficiency review of policy and regulatory guidance, Part 16 determinations, and PFC decisions. Provide timely representational legal services to the agency relating

to complaints of grant noncompliance and improper diversion of airport revenue under 14 CFR Part 16 and to defense of airport and environmental litigation.

### **Core Activity: Maintain Schedules For Environmental Review Projects at OEP Airports**

Monitor and maintain scheduled progress for environmental review for projects to redesign terminal airspace and change procedures to support new and existing runways at Organizational Evolution Partnership airports including the West Florida Redesign, Seattle Terminal, and the D.C. Metropolitan Area Redesign projects.

#### **Activity Target 1:**

In cooperation with the Office of Air Traffic, develop schedules and milestones for completion of environmental review for projects to redesign the airspace and procedures at OEP airports, including the West Florida, Seattle, and the DC metropolitan area projects. Obtain or prepare and circulate a master schedule for these projects to managers and attorneys in headquarters and appropriate regional offices by October 31, 2009. Document basis for any schedule modification and provide monthly report to Deputy Chief Counsel for Operations. Due October 31, 2008

#### **Activity Target 2:**

Consistent with legal requirements, meet regional established milestones and completion dates for these environmental reviews, including legal sufficiency review of any preliminary draft and final EISs and draft records of decision within 25 days. Due September 30, 2009

#### **Activity Target 3:**

As required, provide timely and effective representational legal services and work closely with ATO and Department of Justice attorneys to achieve the best results in ongoing litigation for these projects, by:

- (a) reviewing initial briefs and providing comments on the statement of facts with references to the administrative record within 2 weeks of receipt;
- (b) providing additional assistance as requested in drafting respondent's brief;
- (c) reviewing the reply brief and providing additional comments at least 30 days prior to oral argument;
- (d) and participating in the moot court to help DOJ attorneys prepare for oral argument. Due September 30, 2009

### **Core Activity: Provide Legal Services to Airports Program and Timely Process Part 16 Matters**

Provide timely service in processing complaints concerning noncompliance of airport sponsors with grants under 14 CFR Part 16, Rules of Practice for Federally Assisted Airport Enforcement Proceedings.

#### **Activity Target 1:**

Review each draft part 16 Final Agency Decision (FAD) within five business days of receipt from the Associate Administrator for Airports to determine whether it is substantially complete and ready for legal review 70% of the time. Due September 30, 2009

#### **Activity Target 2:**

Complete legal sufficiency review of each substantially complete draft part 16 Final Agency decision (FAD) within two weeks of determining substantial completeness 70% of the time. Due September 30, 2009

#### **Activity Target 3:**

Meet due dates while providing timely service in processing complaints concerning noncompliance of airport sponsors with grants under 14 CFR Part 16, Rules of Practice for Federally Assisted Airport Enforcement Proceedings. Due September 30, 2009

## **Core Business Measure: Acquisition Related Legal Services**

Provide timely legal service by conducting legal review of all procurement documents within 10 days.

### **Core Business Function: Acquisition & Commercial Law Services Division**

The Acquisition and Commercial Law Services Division provides legal advice and represents Agency interests relating to FAA acquisition of systems and services needed to achieve Flight Plan initiatives and other high priority goals. Its staff ensures the legal sufficiency of acquisition documents; assists clients in developing a rational basis for acquisition decisions; and, represents the agency when acquisition decisions are challenged.

### **Core Activity: Validate Client Priorities and Review All Procurement Documents Within 10 Days**

Ensure that procurement legal services are

provided in a manner that reflects agency and primary client priorities, provides timely review of procurement documents and represents the Agency in bid protests and contract disputes.

**Activity Target 1:**

Meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess service being provided. Due September 30, 2009

**Activity Target 2:**

Review all procurement documents within 10 days or less. Due September 30, 2009

**Core Activity: Provide Procurement Training to Client Office**

Provide training to contracting personnel (contracting officers, specialists, and contracting officer technical representatives) on the agency's procurement policies in the Acquisition Management System and on procurement integrity.

**Activity Target 1:**

Establish schedule for training. Due October 31, 2008

**Activity Target 2:**

Develop and implement training at all 3 ATO Business Services Centers. Due September 1, 2009

**Core Activity: Contract Formation and Administration Oversight Program**

Establish formal oversight program to review contract formation and administration policies and procedures and provide support to National Acquisition Evaluation Program (NAEP)

**Activity Target 1:**

Develop and coordinate plan establishing contract oversight partnerships with ATO Service Centers. Due December 31, 2008

**Activity Target 2:**

Complete documentation for program. Due September 1, 2009

**Core Business Measure:  
Procurement and Acquisition  
Related Adjudication and  
Dispute Resolution Services  
(ODRA)**

1. Provide and complete adjudication services in an average of 65 calendar days for bid protests and in an

average of 180 calendar days for contract disputes. 2. Provide and complete alternative dispute resolution services for bid protests in an average of 25 calendar days, achieving full or partial resolution in 60% of cases. 3. Provide and complete alternative dispute resolution services in contract disputes in an average of 90 calendar days, achieving full or partial resolution in 80 % of cases.

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**Core Business Function:  
Adjudicatory/Dispute Resolution  
Services**

The ODRA serves as the FAA Administrator's adjudicative forum for deciding procurement and acquisition related disputes. It also provides dispute avoidance and early resolution services to the Agency and its private sector contracting partners, assisting them through voluntary Alternative Dispute Resolution ("ADR") methods.

**Core Activity: Provide ADR Services and Adjudicate Cases**

Provide ADR services and adjudicate cases.

**Activity Target 1:**

The ODRA serves as the FAA Administrator's adjudicative forum for deciding procurement and acquisition related disputes. It also provides dispute avoidance and early resolution services to the Agency and its private sector contracting partners, assisting them through voluntary Alternative Dispute Resolution ("ADR") methods. Due September 30, 2009

**Activity Target 2:**

Provide and complete alternative dispute resolution services for bid protests in an average of 25 calendar days, achieving full or partial resolution in 60% of cases. Due September 30, 2009

**Activity Target 3:**

Provide and complete alternative dispute resolution services in contract disputes in an average of 90 calendar days, achieving full or partial resolution in 80 % of cases. Due September 30, 2009

**International Leadership**

In support of the FAA's goal of maintaining the continued leadership of the U.S. in global civil aviation, the Office of the Chief Counsel (AGC) assists in developing the agency position on international law issues and serves as a liaison for FAA international aviation legal matters with other government agencies and industry. AGC attorneys provide legal services relating to drafting and negotiating

international agreements on safety oversight, air traffic, airworthiness, technical assistance, and other aviation related areas. The staff also prepares the U.S. position on matters before the International Civil Aviation Organization (ICAO); provides legal policy guidance on registration of aircraft and recordation of property rights in aircraft; and provides legal support for all matters involving the administration of the Aviation Insurance Program.

## **Core Business Measure: International Legal Services**

Provide legal services relating to drafting and negotiation of international agreements; prepare the U.S. position on matters before ICAO; and provide legal support for the Aviation Insurance Program. Meet client due dates 80% of the time during FY2009.

### **Core Business Function: Support Client Offices**

Provide legal services relating to drafting and negotiation of international agreements; prepare the U.S. position on matters before ICAO; and provide legal support for the Aviation Insurance Program. Support client offices through the provision of international legal services. Provides legal services to ensure priorities of the Administrator, Flight Plan and primary clients are met.

#### **Core Activity: Meet Monthly With Client Office**

Ensure that international legal services are provided in a timely and effective manner reflecting the priorities of the Administrator, the Flight Plan and the office's primary clients.

##### **Activity Target 1:**

AGC-7 will meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided. Due September 30, 2009

##### **Activity Target 2:**

Provide written quarterly feedback and recommendations, as necessary, to Chief Counsel via the Deputy Chief Counsel for Policy and Adjudication. Due September 30, 2009

#### **Core Activity: Support Third Border Initiative Focus on Caribbean Community**

Provide legal assistance to API which, under the Third Border Initiative, will provide leadership for the Caribbean Community and the Regional Aviation Safety Oversight System to enhance aviation in the region.

##### **Activity Target 1:**

Obtain, validate and distribute work plan. Due June 30, 2009

##### **Activity Target 2:**

Provide legal assistance to API as it initiates implementation of its FY 2009 comprehensive work plan. Due September 30, 2009

## **Organizational Excellence**

In support of the agency's overall goal of organizational excellence, AGC will continue to support the numerous agency-wide strategic initiatives and provide legal services in support of the administrative activity of the agency, including personnel and labor law services, ethics counsel, FOIA and Privacy Act services, alternative dispute resolution services, and legislative services. The largest legal practice in this goal area is the Personnel and Labor Law Staff whose primary function is representing the agency in administrative and court litigation. In addition to the litigation function, the staff provides advice and guidance to the Administrator and primary client offices on personnel, labor, civil rights, equal employment opportunity matters; focuses on improving the agency's overall employment practices; and identifies way to improve the agency's employment practices by minimizing the legal risks relating to employment decisions and policy. AGC attorneys also have programmatic responsibility for administration and oversight of the agency's compliance with government-wide ethics requirements.

### **Flight Plan Target: Leadership and Accountability**

(Objective) Make the organization more effective with stronger leadership, a results-oriented, high performance workforce, and a culture of accountability.

#### **Strategic Initiative: Conflict Management**

Undertake a timely and effective corporate approach to conflict management.

(LEAD is Center for Early Dispute Resolution - CEDR)

#### **Strategic Activity: AGC Conflict Management Training & Support**

Provide legal support to CEDR.

Increase employee awareness of CEDR services by attendance at CEDR briefings, participation in conflict management training, and use of CEDR services as needed.

##### **Activity Target 1:**

Provide data as appropriate to the CEDR data and analysis system. Due September 30, 2009

**Activity Target 2:**

Identify what has been done to encourage employee and manager attendance at semi-annual Center briefings or other participation in conflict management training. Due March 30, 2009

**Activity Target 3:**

Identify what has been done to encourage employee and manager attendance at semi-annual Center briefings or other participation in conflict management training. Due September 30, 2009

## **Strategic Initiative: Organizational Excellence Action Plans**

Develop and implement Corporate and LOB/SO Organizational Excellence Action Plans that address employee feedback and engagement, and improve organizational effectiveness, accountability and performance.

### **Strategic Activity: AGC Organizational Excellence Plan**

Development and implementation LOB/SO Organizational Excellence (OE) Action Plans that address employee feedback and engagement, and improve organizational effectiveness, accountability and performance.

**Activity Target 1:**

LOB/SOs will meet with AHR on guidance for action plans. Due December 30, 2008

**Activity Target 2:**

LOB/SOs will identify and implement methods (e.g., results from surveys, focus groups, interviews, meetings, etc.) that will be used to solicit employee feedback for organizational improvement. Due March 30, 2009

**Activity Target 3:**

LOB/SOs will develop Organizational Excellence (OE) Action Plans that address their employees' feedback, input, issues and concerns that were identified by employee feedback methods. Due June 30, 2009

**Activity Target 4:**

LOB/SOs will communicate the results of their analyses of employee feedback and their resulting OE Action Plan to their workforce and implement their plan. Due September 30, 2009

## **Strategic Initiative: Leadership Development**

Each LOB/SO will track and report quarterly on their compliance with corporate leadership development policies and initiatives.

### **Strategic Activity: AGC Leadership Development Compliance**

Each FAA organization will track and report quarterly in pbviews on their compliance with leadership development policies and initiatives in the areas of mandatory probationary manager training, probationary manager certification, Continuing Management Education, and steps taken to improve compliance rates.

**Activity Target 1:**

Report quarterly the percentage of probationary managers who completed mandatory training (FMC-1, FMC-2, and FMC-3) due during the previous quarter within prescribed timeframes. Due September 30, 2009

**Activity Target 2:**

Report quarterly the percentage of probationary managers completing their probation period during the previous quarter who were formally certified. Due September 30, 2009

**Activity Target 3:**

Report quarterly on steps taken to improve or sustain timely completion of probationary training and certification. Due September 30, 2009

**Activity Target 4:**

Report quarterly on steps taken to meet Continuing Management Education requirements for incumbent managers. Due September 30, 2009

## **Strategic Initiative: Harassment, Reprisal, and Retaliation Free Workplace**

Each FAA organization will track and report quarterly on LOB/SO actions to foster a workplace free of harassment, reprisal, and retaliation.

### **Strategic Activity: AGC Harassment- and Retaliation-Free Workplace Training**

Each FAA organization will track and report quarterly in pbviews on their compliance with this initiative in terms of the numbers of people trained.

**Activity Target 1:**

Report quarterly the number of new managers who have completed mandatory training (FMC-1) during the previous quarter. Due September 30, 2009

**Activity Target 2:**

Report quarterly the number of managers who have completed eLMS course #FAA30200134

(Accountability Board Training for FAA Managers) during the previous quarter. Due September 30, 2009

**Activity Target 3:**

Report quarterly the number of employees who have completed in-person training sessions provided by the Accountability Board or by Accountability Board Human Resources Points of Contact during the previous quarter. (Ref. eLMS Course #05012, or # as assigned, Other Accountability Board Training.) Due September 30, 2009

**Activity Target 4:**

Report quarterly the number of employees who have completed any other training sessions on workplace harassment or reprisal during the previous quarter. Due September 30, 2009

## **Strategic Initiative: New Hires with Targeted Disabilities**

Each FAA organization will track and report quarterly on actions taken in support of the Secretary of Transportation's fiscal year goal that 3 percent of all new hires are individuals with targeted (severe) disabilities.

### **Strategic Activity: AGC actions in support of DOT FY goal that 3% of all new hires are individuals with targeted disabilities**

AGC will track and report monthly on actions taken to support the Secretary of Transportation's fiscal year goal that 3 percent of all new hires are individuals with targeted (severe) disabilities.

**Activity Target 1:**

AGC will provide to ACR a standard monthly report outlining actions taken to increase their workforce percentage of individuals with targeted disabilities. Due September 30, 2009

## **Flight Plan Target: Cost Control**

Organizations throughout the agency will continue to implement cost efficiency initiatives such as:  
10-15 percent savings for strategic sourcing for selected products and services;  
By the end of FY 2009, reduce leased space for Automated Flight Service Stations from approximately 510,000 square feet to approximately 150,000 square feet;  
Annual reduction of \$15 million in Information Technology operating costs;  
By FY 2010, reduce overhead costs 5-10 percent through automation of invoice processing. FY 2009 Target: 90% of targeted savings

## **Strategic Initiative: Productivity and Financial Metrics**

Each FAA organization will develop, track, and report quarterly on a comprehensive measure of its operating efficiency or financial performance. These measures will include: Cost per flight controlled, Research, Engineering, and Development (RE&D) Management Staff Efficiency Measure, Grant Administration Efficiency Measure, Direct labor costs of certification of foreign and domestic repair stations, Direct labor costs of surveillance of foreign and domestic repair stations.

### **Strategic Activity: AGC Efficiency**

#### **Measure: Improve Time Responding to Public Requests for Interpretations**

Implement measures to improve timeliness of responses to public requests for interpretations of FAA regulations.

**Activity Target 1:**

Report to ABA quarterly on AGC percentage of requests responded to within 120 days of receipt. Target: 50% Due January 31, 2009

**Activity Target 2:**

Report to ABA quarterly on AGC percentage of requests responded to within 120 days of receipt. Target: 50% Due April 30, 2009

**Activity Target 3:**

Report to ABA quarterly on AGC percentage of requests responded to within 120 days of receipt. Target: 50% Due July 31, 2009

### **Strategic Activity: AGC Efficiency Measure: Efficient Processing of Enforcement Cases**

Efficient Processing of Enforcement Cases

**Activity Target 1:**

Report to ABA quarterly on percentage of legal enforcement cases, whereby the first legal action is taken within 60 days of receipt by a legal counsel office. Target: 70% Due January 31, 2009

**Activity Target 2:**

Report to ABA quarterly on percentage of legal enforcement cases, whereby the first legal action is taken within 60 days of receipt by a legal counsel office. Target: 70% Due April 30, 2009

**Activity Target 3:**

Report to ABA quarterly on percentage of legal enforcement cases, whereby the first legal action is taken within 60 days of receipt by a legal counsel office. Target: 70% Due July 31, 2009

## Strategic Initiative: Reduce Leased Space for Automated Flight Service Stations

In FY 2009, reduce leased space for Automated Flight Service Stations from approximately 510,000 square feet to approximately 150,000 square feet.

### Strategic Activity: AGC Legal Review

Expedite legal review in support of the AFSS Leased Space Reduction Flight Plan Goal.

#### Activity Target 1:

Complete legal review of all AFSS site renegotiation packages within 30 days of receipt. Due September 30, 2009

#### Activity Target 2:

Develop metric of complete legal review of all AFSS site EDDA reports by November 1, 2008. Due November 1, 2008

#### Activity Target 3:

Establish FY2009 goal for completing legal review of all AFSS site EDDA reports by November 1, 2008. Due November 1, 2008

#### Activity Target 4:

Report and track FY2009 goal for completing legal review of all AFSS site EDDA reports beginning December 1, 2008. Due September 30, 2009

## Strategic Initiative: Reduce Information Technology Operating Costs

Achieve an annual reduction of \$15 million in Information Technology operating costs.

### Strategic Activity: AGC Termination of AGC IT Services Contract.

AGC will convert four of the currently contracted positions to full-time federal government position.

#### Activity Target 1:

Track and report status monthly to ABA. Due September 30, 2009

#### Activity Target 2:

Submit an FY 2010 cost control activity to ABA within 30 days after the FY 2010 Cost Control Kickoff. Due September 1, 2009

## Flight Plan Target: Information Security Program

Achieve zero cyber security events that disable or significantly degrade FAA services. FY 2009 Target: 0

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## Strategic Initiative: Enterprise Architecture Conformance

Enable enterprise-wide conformance to information technology enterprise architecture.

### Strategic Activity: IT Enterprise Architecture

Update the infrastructure and application inventories and coordinate technical standards for non-NAS hardware and software where there are common requirements.

#### Activity Target 1:

AGC will update its infrastructure and application inventory. Due March 31, 2009

## Flight Plan Target: Customer Satisfaction

Maintain the annual average of FAA surveys on the American Customer Satisfaction Index at or above the average Federal Regulatory Agency score. FY 2009 Target: Government Regulatory Average

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## Strategic Initiative: Standardize FAA Websites

Standardize FAA websites making them more useful for exchanging information and conducting business.

### Strategic Activity: Standardize Websites

Standardize AGC websites in compliance with Agency web policies and standards and making them more useful for exchanging information and conducting business.

#### Activity Target 1:

Update AGC web strategies and action plans in writing to the FAA Web Manager and brief FAA Web Council on AGC office plans. Due January 30, 2009

#### Activity Target 2:

Submit AGC web progress report to the FAA Web Managers. Due March 31, 2009

#### Activity Target 3:

Submit AGC web progress report to the FAA Web Managers. Due June 30, 2009

#### Activity Target 4:

Certify to the Administrator that 90 percent or more of AGC web pages comply with FAA web standards, policies, and requirements. Due September 30, 2009

## Flight Plan Target: OPM Hiring Standard

By FY 2010, 80 percent of FAA external hires will be filled within OPM's 45-day standard for government-wide hiring. FY 2009 Target: 65%

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## **Strategic Initiative: External Recruiting**

In external recruitment efforts, implement corporate strategies that expand the applicant pool to ensure equal opportunity to all applicants and result in attracting high quality candidates to the FAA.

### **Strategic Activity: AGC Mission-Critical Hiring**

Identify mission-critical external hires.

#### **Activity Target 1:**

Update and submit FY09 and FY10 hiring projections for mission-critical occupations. Due March 31, 2009

## **Core Business Measure: Personnel & Labor Law Legal Services**

Complete 50% requests for legal advice within 14 days.

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### **Core Business Function: Legal Services in Labor and Personnel Law**

Represent the FAA in administrative and court litigation having a potentially significant impact on any law, regulation, or FAA policy relating to the employment of FAA personnel and provide timely and effective legal advice regarding employment matters. Provide legal services and representation in a timely and effective manner reflecting agency priorities and continue to improve the Agency's employment practices by identifying ways of minimizing the FAA's legal risk relating to employment decisions and policy.

#### **Core Activity: Improve Employment Practices By Increasing Communication With Client Offices And The Field**

Provide legal services and representation in a manner reflecting Agency priorities and continue to identify ways to improve the Agency's employment practices by minimizing the FAA's legal risk relating to employment decisions and policy.

#### **Activity Target 1:**

Meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, and reassess services being provided. Due

September 30, 2009

#### **Activity Target 2:**

Improve practice area and general communication between regional and headquarter personnel practitioners by conducting monthly personnel and labor law teleconferences. Due September 30, 2009

#### **Activity Target 3:**

Evaluate effectiveness of process to ensure AGC involvement in AHR and ACR policy development: provide feedback from client offices and provide report with recommendations to AGC -3. Due June 1, 2009

### **Core Activity: Identify Dedicated Funding Source**

Identify options for establishing a dedicated funding source for complex employment litigation (e.g., class actions).

#### **Activity Target 1:**

Survey other governmental agencies to determine how dedicated funding sources/resources were established. Due October 31, 2008

#### **Activity Target 2:**

Identify options for FAA Line of Business/Staff Office to use in creating dedicated funding sources/resources. Due November 30, 2008

#### **Activity Target 3:**

Develop briefing package for AGC-3. Due January 31, 2009

### **Core Activity: Develop Training Opportunities**

Identify training opportunities for employment law topics in courses being provided to managers and key program office staff.

#### **Activity Target 1:**

Establish a joint Regional/headquarters Team to survey Center for Management and Executive Leadership (CMEL), the Office of Human Resource Management, the Office of Civil Rights, Regional/Center Offices and other LOB/SO to identify the currently available recurring training sessions related to employment/personnel matters. Due February 28, 2009

#### **Activity Target 2:**

Identify the courses that offer the best opportunity for incorporating employment law topics into the curriculum. Due March 31, 2009

#### **Activity Target 3:**

Identify the specific topics to be discussed and the resources needed to provide the training. Due

May 31, 2009

**Activity Target 4:**

Develop a briefing package with recommendations for AGC-3. Due July 31, 2009

**Core Business Measure: General Legal Services & Other Legal Services**

Meet Client due dates 80% of the time.

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**Core Business Function: Ethics Program and Legal Services Related to Agency Administration**

Various small practice areas related to government-wide administrative requirements imposed on the agency by statute, including Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation.

**Core Activity: Manage Ethics Program And Agency Administration Related Legal Services**

Provide legal services related to Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation.

**Activity Target 1:**

Meet client due dates while providing timely legal services relating to congressional relations, FOIA, Privacy Act, ADR, and related litigation. Due September 30, 2009

**Activity Target 2:**

Represent the agency before Congress, in administrative forums and in federal district and appeal courts on all general law issues and litigation. Due September 30, 2009

**Activity Target 3:**

Provide general legal services functions, and prepare the Administrator and other high level Agency official congressional testimony. Due September 30, 2009

**Core Activity: Review of OGE Forms**

Complete review of all OGE Form 278 and Form 450.

**Activity Target 1:**

Complete review of all OGE Form 278 and Form 450. Due December 31, 2008

**Core Business Measure: Corporate Assessments**

Provide support for corporate assessments.

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**Core Business Function: Projected Corporate Assessments - AGC**

An estimate of each LOB/SO's contribution to the corporate assessments and reserve will be allocated to this activity in the business plan.

**Core Activity: Corporate Assessments - AGC**

An estimate of each LOB/SO's contribution to the corporate assessments and reserve will be allocated to this activity in the business plan.

**Activity Target 1:**

Provide Corporate Assessments support. Due October 1, 2008