



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Office of the Chief Counsel

ORDER
GC 1100.170A

Effective Date:
3/25/19

SUBJ: Office of the Chief Counsel

- 1. Purpose of the Order.** This Order establishes the roles and responsibilities of the two Deputy Chief Counsel; the Director of Administration; realigns the reporting structure of the practice areas; and is primarily internal to the Office of the Chief Counsel (AGC). Clarifying the roles and responsibilities for these positions will assist AGC to fulfill its responsibilities to effectively and efficiently provide legal services.
- 2. Who this Order Affects.** It has limited impact on other FAA lines of businesses and staff offices.
- 3. Where to find this Order.** This Order can be found on MyFAA Employee Website: [Orders & Notices](#) and/ and on the public website: [Orders & Notices](#).
- 4. What This Order Cancels.** This Order cancels Order GC 1100.170, dated January 3, 2017.
- 5. Roles and Responsibilities**
 - a.** Deputy Chief Counsel for Policy (AGC-2) provides executive leadership and direction to the Executive Counsel (AGC-2A); Office of Adjudication (AGC-70); and the Airports and Environmental Law Division (AGC-600). Additionally, oversees the executive or acting executive managing the International Law Division (AGC-700); Legislation Division (AGC-800); and the Ethics Division (AGC-900). The Deputy Chief Counsel for Policy serves as the chief legal strategist and performs the critical role of ensuring AGC provides timely and high-quality legal advice and service on a number of high profile and inter-disciplinary Agency and Departmental initiatives. Additionally, the Deputy Chief Counsel for Policy is responsible for overseeing the development of training the legal workforce of the Office, and addressing the leadership succession development strategies for the Office. In the absence of a politically appointed Chief Counsel, Deputy Chief Counsel for Policy serves as AGC's chief legal officer. This position reports directly to the Chief Counsel (AGC-1).
 - b.** Deputy Chief Counsel for Operations (AGC-3) provides executive leadership and direction to the Employment and Labor Law Division (AGC-100); Regulations Division (AGC-200); Enforcement Division (AGC-300); and Acquisition and Fiscal Law (AGC-500) legal practice areas. Additionally, the Regional Counsel will report to the Deputy Chief Counsel for Operations regarding regional legal and administrative matters. The Deputy Chief Counsel for Operations also oversees the Litigation and Information Law practice (AGC-400); William J. Hughes Technical Center (ACT-7); Mike Monroney Aeronautical Center – Central Region (AMC-7); and the legal functions at the Alaska Region (AAL-7). This position reports directly to the Chief Counsel (AGC-1).

c. The Executive Counsel (AGC-2A) provides executive leadership, expertise and advice on high profile special projects such as legal policy issues and legal issues such as telecommunications law for which legal expertise is not found within the office. The Executive Counsel analyzes applicable laws to develop and coordinate proposed FAA legal policy positions to promote innovation and the incorporation of new technology and business models into the National Airspace System (NAS). The Executive Counsel acts as a mentor and sounding board for interdisciplinary teams and attorneys training for potential leadership positions. This position reports directly to the Deputy Chief Counsel for Policy (AGC-2).

d. The Executive/Acting Executive (AGC-2B) provides executive direction and oversight of the Office of the Chief Counsel activities and functions related to the International Affairs Division (AGC-700); Legislation Division (AGC-800); and Ethics Division (AGC-900). The Executive or Acting Executive position is a rotational assignment within the Office of the Chief Counsel, and is established for executive leadership development. This Executive or Acting Executive will oversee the legal functions performed by the International Affairs Division, Legislation Division and the Ethics Division. This position reports directly to the Deputy Chief Counsel for Policy (AGC-2).

e. The Director of Administration (AGC-10) provides senior level management and oversight of the strategic financial and administrative business operations for the Office of the Chief Counsel. Including human capital, budget formulation and execution, prioritization of budget and resource matters, internal personnel processes, resource management, IT systems, non-legal training, strategic and business planning, and management systems, including correspondence control. The Director also serves as AGC management's representative on AGC union matters. In the absence of a politically appointed Chief Counsel, AGC-10 serves as AGC's Chief Administrative Officer. This position reports directly to the Chief Counsel (AGC-1).

f. The Director and Chief Administrative Judge of the Office of Adjudication (AGC-70) provides senior level direction and oversight for both the Office of Dispute Resolution for Acquisition ("ODRA") and the Civil Penalty Staff. The ODRA fulfills its statutory mandate as the sole administrative tribunal authorized to decide or resolve all bid protests and contract disputes on behalf of the FAA administrator under the FAA's Acquisition Management System. The Civil Penalty staff prepares recommended decisions for the Administrator in appeals from decisions issued by DOT Administrative Law Judges and provides hearing officers in other civil penalty matters. The office provides alternative dispute resolution services as agreed to by the parties and handles other adjudicatory matters as assigned. This position reports directly to the Deputy Chief Counsel for Policy (AGC-2).

g. The Assistant Chief Counsel for Employment and Labor Law (AGC-100) provides executive direction and oversight of the Office of the Chief Counsel activities and functions related to litigation in all forums on personnel, equal employment opportunity and select labor matters; provides advice and legal counsel on development and implementation of agency personnel, equal opportunity and labor policy and programs; oversees all legal involvement in labor contract negotiations; and serves as the Administrator's primary legal advisory on personnel, equal opportunity and labor law matters. Additionally, the Assistant Chief Counsel for Employment and Labor Law provides executive direction and oversight of the torts litigation and information law functions for the Agency (AGC-400). This position reports directly to the Deputy Chief Counsel for Operations (AGC-3).

h. The Assistant Chief Counsel for Regulations (AGC-200) provides executive direction and oversight of Office of the Chief Counsel activities and functions for all legal matters of regulatory nature pertaining to airworthiness and certification, operations, air traffic procedures, flight standards activities, commercial space activity, and treaties and conventions concerning aviation and space matters. The Assistant Chief Counsel for Regulations directs planning, policy development, and execution of regulatory legal programs including: developing and executing legal aspects of the FAA regulatory Program; rendering opinions and interpretations of FAA regulations; drafting Regulations; ensuring that agency rulemaking policies are consistent with government statutes, Executive Order and Department of Transportation policies; and developing procedures for processing rulemaking actions. Additionally, the Assistant Chief Counsel for Regulations provides executive direction and oversight of the legal functions, including U.S. Civil Aircraft Registry at the Aeronautical Center (AMC-7). This position reports directly to the Deputy Chief Counsel for Operations (AGC-3).

i. The Assistant Chief Counsel for Enforcement (AGC-300) provides executive direction and oversight of Office of the Chief Counsel legal advice and services related to the Agency's regulatory compliance and legal enforcement programs, including those related to the adoption of safety management systems, risk-based decision-making and voluntary safety disclosure and reporting programs. The Assistant Chief Counsel for Enforcement represents the FAA in adjudicative proceedings at the trial and appellate level; coordinates of the U.S. Department of Justice's representation of the FAA in specific legal enforcement matters; and provides executive direction and oversight of the legal advice matters in the Alaska Region (AAL-7). This position reports directly to the Deputy Chief Counsel for Operations (AGC-3).

j. The Assistant Chief Counsel for Litigation and Information Law (AGC-400) provides senior level direction and oversight for two major sub-practices: (1) handling Agency litigation not handled by any other specific practice areas and (2) advising on general law matters. The Assistant Chief Counsel for Litigation and Information Law serves as the principal legal officer and legal expert for the Agency in all matters relating to all litigation, including provision of legal counsel, advice and service in the areas of aircraft accident litigation, aircraft accident hearings and inquiries, aircraft accident investigations, litigation against agency employees arising out of their official duties, tort suits against the agency and/or its employees. The litigation includes Freedom of Information Act (FOIA) and Privacy Act litigation and other general law claims. The Assistant Chief Counsel for Litigation and Information Law oversees the Information Law Practice, which includes FOIA, Privacy Act, and legal issues surrounding E-Discovery, Records Management, and the Federal Advisory Committee Act. The AGC E-Discovery Program is a sub-component of AGC-400 to assist FAA counsel with Electronically Stored Information (ESI) preservation and production obligations. This position reports to the Assistant Chief Counsel for Employment and Labor Law (AGC-100).

k. The Assistant Chief Counsel for Acquisition and Fiscal Law (AGC-500) provides executive direction and oversight of all aspects of legal services supporting the Agency's activity on services related to the Agency's acquisition programs, and associated processes, including the multi-billion dollar modernization of the Nation's air transportation network and supporting infrastructure. Additionally, the Assistant Chief Counsel for Acquisition and Fiscal Law provides advice to the aviation war risk insurance program and executive direction and oversight of the legal functions at the Technical Center (ACT-7) on matters relating to intellectual property, research and development

grants, cooperative research and development agreements, and FAA Centers of Excellence. This position reports directly to the Deputy Chief Counsel for Operations (AGC-3).

l. The Assistant Chief Counsel for Airports & Environmental Law (AGC-600) provides executive direction and oversight of all aspects of legal services supporting the Agency's activity on airport and environmental matters, including relationships with state and local governments. The Assistant Chief Counsel for Airports & Environmental Law provides legal advice concerning policies and procedures for airport planning and program, as well as providing legal guidance on rulemaking concerning airport and environmental law matters. The Assistant Chief Counsel for Airports & Environmental Law works with the U.S. Department of Justice to represent the FAA in federal court litigation concerning airport and environmental law matters. This position reports directly to the Deputy Chief Counsel for Policy (AGC-2).

m. The Assistant Chief Counsel for International Affairs (AGC-700) provides senior level management and oversight of all aspects of legal services to develop the Agency's position on international aviation law issues; serves as liaison for FAA on international aviation legal matters with international organizations, foreign countries, other Government agencies and industry; provides legal support for FAA emergency operations and warnings to the aviation community respecting foreign airspace; and provides legal policy guidance on all matters related to international aviation, including aircraft registration, flight standards subjects, airworthiness and certification, air traffic matters, statutes addressing international issues, and treaties and conventions concerning aviation and space and matters related to aviation and space. This position reports directly to the Executive or Acting Executive (AGC-2B) overseeing the International Affairs Division.

n. The Assistant Chief Counsel for Legislation (AGC-800) provides senior level management and oversight of all aspects of legal services overseeing the FAA's legislative program, coordinating agency legislative policy (including implementation) and represents the Agency on legislative matters, including pending bills, resolutions, hearing preparation, drafting of Congressional witness testimony, Administration legislative proposals, executive orders, and proclamations. This position reports directly to the Executive or Acting Executive (AGC-2B) overseeing the Legislation Division.

o. The Assistant Chief Counsel for Ethics (AGC-900) provides senior level management and oversight of all aspects of carrying-out Federal Aviation Administration (FAA) Order 3750.7A, *Ethical Conduct and Financial Disclosure*, and fulfills two distinct functions - general ethical guidance to all levels of employees at the FAA and the review of financial disclosure reports. This position reports directly to the Executive or Acting Executive (AGC-2B) overseeing the Ethics Division.

p. The Alaska Regional Counsel (AAL-7) provides general legal services across all practice areas, including procurement, employment, ethics and enforcement. The Alaska Regional Counsel provides significant interface and coordination on regulatory interpretations and implementation to ensure the unique needs of the Alaskan aviation system are considered. This position reports directly to the Assistant Chief Counsel for Enforcement (AGC-300).

q. The Center Counsel for the William J. Hughes Technical Center (ACT-7) provides senior level management and full service legal counsel and representation to all Center offices in support of

FAA activities, while focusing heavily on procurement matters. In addition, the Center Counsel for the Technical Center provides legal services in several unique areas: Intellectual Property/Patent; environmental and real estate issues associated with the Government's ownership of 5000 acres on the Superfund National Priorities List; Centers of Excellence; Cooperative Research and Development Agreements; and Aviation Research and Development Grants. This position reports directly to the Assistant Chief Counsel for Acquisition and Fiscal Law (AGC-500).

r. The Center Counsel for the Mike Monroney Aeronautical Center – Central Region (AMC-7) provides senior level management and full service legal counsel and representation to all Center offices and the Central Region in support of FAA activities. In addition, the Center Counsel for the Aeronautical Center – Central Region provides legal services in several unique areas: Aircraft and Airman Registration; Aircraft Registration enforcement matters; and Franchise-revolving programs. This position reports directly to the Assistant Chief Counsel for Regulations, AGC-200.

s. The Regional Counsel for Northeast (ANE-7); Great Lakes (AGL -7); Northwest Mountain (ANM-7); Southern (ASO-7); Southwest (ASW-7); and Western Pacific (AWP-7) provide senior level management and oversight of all aspects of legal services provided to regional management to ensure uniformity in the application of the FAA's legal practice norms. For management of regional legal services, the Regional Counsel report to the Deputy Chief Counsel for Operations, AGC-3.

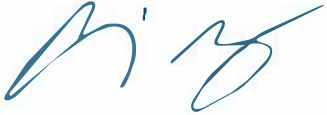
6. Line of Succession. In the absence of a politically appointed Chief Counsel, the following order of succession applies:

- a. Deputy Chief Counsel for Policy;
- b. Deputy Chief Counsel for Operations;
- c. Assistant Chief Counsel for Regulations;
- d. Assistant Chief Counsel for Employment;
- e. Assistant Chief Counsel for Enforcement;
- f. Assistant Chief Counsel for Acquisition and Fiscal Law;
- g. Assistant Chief Counsel for Airports and Environmental Law

7. Background. The Chief Counsel (AGC-1) has realigned the AGC leadership team to develop and implement a leadership and practice area management model that includes greater specialization and organizational alignment of legal practice areas in the field and Headquarters offices. These changes improve AGC's efficient and effective delivery of legal services. The model supports the Chief Counsel (AGC-1) with two career Deputy Chief Counsel managing distinct legal and administrative work portfolios. Additionally, the Director of Administration provides strategic vision; financial oversight and business operations advice, reporting directly to the Chief Counsel.

8. Organizational Chart. Attached as Appendix A is the Office of the Chief Counsel Organizational Chart.

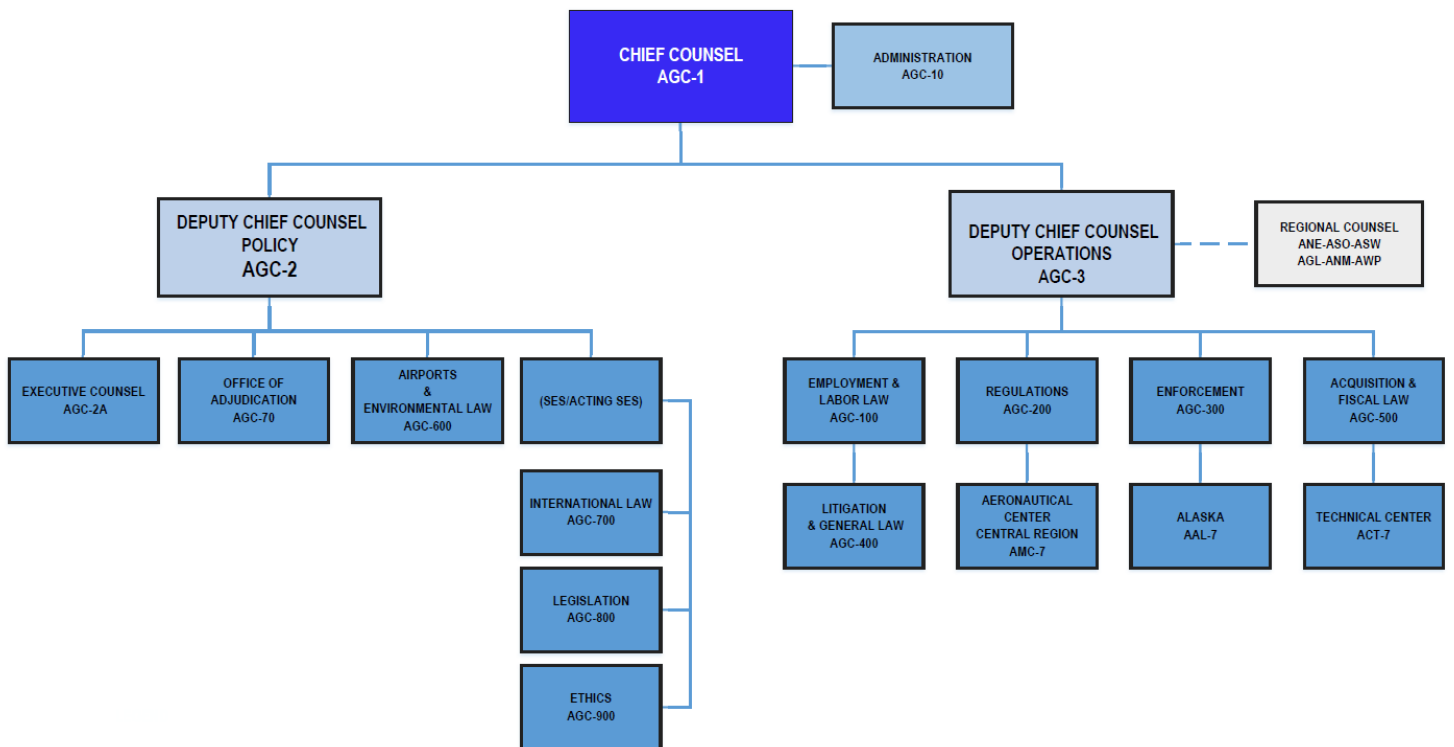
9. Distribution. This Order is distributed to the division level in the Washington Headquarters, Regions and Centers.



Arjun Garg
Chief Counsel, AGC-1

Appendix A. Office of Chief Counsel (AGC) Organizational Chart

OFFICE OF THE CHIEF COUNSEL ORGANIZATIONAL CHART



Effective Date: 11/12/2018