



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**ORDER
GC 1100.170C**

Office of the Chief Counsel

Effective date:
10/09/2022

SUBJ: Office of the Chief Counsel

1. Purpose of the Order. This Order establishes the roles and responsibilities of the career leadership team in the Office Chief Counsel (AGC), including the Principal Deputy Chief Counsel ; Deputy Chief Counsel for Business Operations, Deputy Chief Counsel for Strategic Operations; the Executive Director for Operations; the Director and Chief Administrative Judge of the Office of Adjudication; and the Assistant Chief Counsel s and the Division Counsels. This Order also establishes the realigned reporting structure of the Office of the Chief Counsel. The Order is primarily internal to the Office of the Chief Counsel (AGC).

2. Who this Order Affects. The primary impact of this Order is on AGC employees. 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 on the public website: [Orders & Notices](#).

4. What This Order Cancels. This Order cancels Order GC 1100.170B, dated November 18, 2020.

5. Roles and Responsibilities

a. The Principal Deputy Chief Counsel is a collateral responsibility assigned to one of the Deputy Chief Counsel (AGC-2 or AGC-3) at the discretion of the incumbent Chief Counsel. The Principal Deputy Chief Counsel serves as the primary alter ego of the Chief Counsel and stands in for the Chief Counsel as needed at meetings and events. The Principal Deputy Chief Counsel retains responsibilities as described for AGC-2 or AGC-3.

b. The Deputy for Business Operations (AGC-2) provides executive leadership and direction to the Assistant Chief Counsel s, senior leaders, and staff reporting to and through them. AGC-2 oversees the following legal practice areas: the Employment and Labor Law Division (AGC-100); Information Law Division (AGC- 400); Acquisition and Fiscal Law Division (AGC-500); the Airports and Environmental Law Division (AGC-600); the Ethics and Compliance Division (AGC-900). For the legal practice areas reporting to them, the Deputy Chief Counsel for Business Operations serves as the chief legal strategist and ensures AGC provides timely and high-quality legal advice and service on high-profile and inter-disciplinary Agency and Departmental initiatives. At the discretion of the Chief Counsel, the incumbent may assume the responsibilities of the Principal Deputy Chief Counsel. This position reports directly to the Chief Counsel (AGC-1).

c. The Deputy Chief Counsel for Strategic Operations (AGC-3) provides executive leadership and direction to the Assistant Chief Counsels, senior leaders, and staff reporting to and through them. AGC-3 oversees the following legal practice areas: the Regulations Division (AGC-200); the Aviation Litigation Division (AGC-300); the International and Security Law Division (AGC-700); and the Legislation Division (AGC-800). For the legal practice areas reporting to them, the Deputy Chief Counsel - Strategic Operations serves as the chief legal strategist and ensures AGC provides timely and high-quality legal advice and service on high-profile and inter-disciplinary Agency and Departmental initiatives. At the discretion of the Chief Counsel, the incumbent may assume the responsibilities of the Principal Deputy Chief Counsel. This position reports directly to the Chief Counsel (AGC-1).

d. The Executive Director for Operations (AGC-010) serves as AGC's chief operating officer and provides executive direction and strategic leadership for all business operations functions while overseeing the Office of Operations and Legal Support. AGC-10 administers a full range of analytical and operational functions that include but are not limited to: legal and litigation support; legal communications; finance and budget management; human capital management; official correspondence and FOIA (Freedom of Information Act) management; training; information technology; and all other business operation functions. AGC-10 serves as AGC's management representative for business planning and labor-relations matters. This position reports directly to the Chief Counsel (AGC-1).

e. The Director/Chief Administrative Judge of the Office of Adjudication (AGC-70) provides executive 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 Chief Counsel (AGC-1).

f. The Assistant Chief Counsel for Employment and Labor Law (AGC-100) provides executive direction and oversight of the AGC's activities related to personnel matters, equal employment opportunity (EEO), and labor law. AGC-100 litigates personnel, EEO, and labor matters in all administrative tribunals and, in conjunction with the Department of Justice, Article III courts. AGC-100 provides legal counsel on the development and implementation of agency employment and labor policy and programs; oversees all legal involvement in labor contract negotiations; and serves as the Administrator's primary legal advisor on personnel, equal opportunity, and labor law matters. This position reports directly to the Principal Deputy Chief Counsel (AGC-2).

g. The Assistant Chief Counsel for Regulations (AGC-200) provides executive direction and oversight of AGC's activities and functions for all regulatory legal matters pertaining to airworthiness and aircraft certification, operations, air traffic procedures and airspace, airman certification, and commercial space. The Assistant Chief Counsel for Regulations directs the 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; reviewing agency policy; ensuring that agency rulemaking policies are consistent with government statutes, executive orders, and Department of Transportation policies; and developing procedures for processing rulemaking actions. This position reports directly to the Deputy Chief Counsel- Strategic Operations (AGC-3).

h. The Assistant Chief Counsel for Aviation Litigation (AGC-300) provides executive direction and oversight of AGC's legal advice and services related to the Agency's aviation regulatory compliance and legal enforcement programs. The Assistant Chief Counsel for Aviation Litigation provides direction and oversight for Agency litigation not handled by any other practice area and advice on specific general law matters. The Assistant Chief Counsel for Aviation Litigation serves as the Agency's legal expert in all litigation matters, including representing the FAA in adjudications at the trial and appellate level before the NTSB, DOT Office of Administrative Law Judges, and in Article III Courts. AGC-300 coordinates and supports the U.S. Department of Justice's representation of the FAA in specific legal enforcement matters and suits against the FAA or its employees. This position reports directly to the Deputy Chief Counsel- Strategic Operations (AGC-3).

i. The Assistant Chief Counsel for Information Law (AGC-400) provides executive direction and oversight for general information law, intellectual property, and airmen and aircraft registry associated law. AGC-400 serves as the legal expert and provides legal counsel, advice, training, and litigation services for the Agency in all matters relating to information law. AGC-400 oversees legal issues related to Voluntary Safety Reporting Programs, FOIA, privacy, Federal Advisory Committee Act, litigation holds, record management, information system management, collaborative data management, research & development, innovation & emerging technologies, technology transfer, patents and licenses, data rights, copyright, and trademarks. AGC-400 provides legal advice and services to support aircraft and airmen registration, including legal opinions to relevant registry stakeholders and legal review of registration applications. The Assistant Chief Counsel for Information Law reports directly to the Principal Deputy Chief Counsel (AGC-2).

j. The Assistant Chief Counsel for Acquisition and Fiscal Law (AGC-500) provides executive direction and oversight of all aspects of legal services supporting FAA acquisitions, real property, and fiscal matters. AGC-500 provides legal capabilities and requirements through acquisitions and advises contracting organizations, program offices, and lines of business on agreements and grant vehicles. These legal services are foundational for FAA acquisition programs and associated processes. AGC-500 advises and supports the FAA's real property program and an extensive and dynamic portfolio of facilities throughout the National Airspace System. AGC-500 is the advisor and provides legal support and interpretations to all FAA organizations regarding Fiscal Law matters and policies. In addition, the Assistant Chief Counsel for Acquisition and Fiscal Law also advises the Aviation War Risk Insurance Program. This position reports directly to the Principal Deputy Chief Counsel (AGC-2).

k. The Assistant Chief Counsel for Airports and 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 other

federal agencies and state and local governments. The Assistant Chief Counsel for Airports and Environmental Law provides legal advice concerning policies, procedures, and rulemaking for airports law, airport planning and programming, federal grants and other funding, airport compliance, air traffic procedures and modernization, commercial space transportation activities, and unmanned aircraft systems. The Assistant Chief Counsel for Airports and 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 Principal Deputy Chief Counsel (AGC-2).

l. The Assistant Chief Counsel for International and Security Law (AGC-700) provides executive-level management and oversight of legal services to develop and support the Agency on international aviation and security law matters. AGC-700 serves as FAA's liaison on international aviation legal matters with international organizations, foreign countries, other Government agencies, and industry. AGC-700 provides legal support for FAA emergency operations, warnings to the aviation community respecting foreign airspace; and legal policy guidance on all matters related to international aviation. This position reports directly to the Deputy Chief Counsel - Strategic Operations (AGC-3).

m. The Assistant Chief Counsel for Legislation (AGC-800) provides executive-level management and oversight of all aspects of legislative legal services, oversees the FAA's legislative program, and coordinates the development and implementation of agency legislative policy. AGC-800 represents the Agency on legislative matters, including technical assistance to Congress on pending bills and resolutions, congressional hearing preparation for agency witnesses, including the drafting of witness testimony and responding to post-hearing congressional inquiries, drafting of agency legislative proposals, review and preparation of agency views on pending legislation, as well as review and preparation of agency views on executive branch legislative proposals, executive orders, and proclamations. This position reports directly to the Deputy Chief Counsel - Strategic Operations (AGC-3).

n. The Assistant Chief Counsel for Ethics and Compliance (AGC-900) provides executive management and oversight of all aspects of the FAA's ethics compliance programs. AGC-900 carries out the FAA's Order 3750.7A, Ethical Conduct and Financial Disclosure and oversees the compliance with this order. Additionally, the compliance practice supports programmatic audits of FAA lines of business and staff office ethical activity. AGC-900 will serve as legal support for DOT Office of Inspector General (OIG) Audits, General Accounting Office (GAO) Audits, and FAA Congressional Oversight Committee investigations (including responses to written Committee reports and recommendations).

o. The Division Counsel position is the assigned legal representative to a specific Line of Business (LOB)/Staff Office (SO). They serve as the LOB/SO's primary legal point of contact and participates in high-level organizational meetings. Their major responsibilities include legal strategy development, issue-spotting legal concerns, and liaising with AGC practice areas for all legal matters. The Division Counsel conduct legal and policy research supporting legal opinions, review organizational documents for legal sufficiency, and coordinate broad legal strategies with the client organization and AGC practice areas. Division Counsel report directly to one of the AGC Deputy Chief Counsels.

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

The primary successor for the Chief Counsel is the Deputy Chief Counsel designated as Principal Deputy Chief Counsel at the time of the Chief Counsel's position vacancy giving rise to the succession.

- a. Deputy Chief Counsel for Business Operations
- b. Deputy Chief Counsel for Strategic Operations
- c. Assistant Chief Counsel for Acquisition and Fiscal Law
- d. Assistant Chief Counsel for Regulations
- e. Assistant Chief Counsel for Airports and Environmental Law
- f. Assistant Chief Counsel for Employment and Labor Law
- g. Assistant Chief Counsel for Aviation Litigation
- h. Assistant Chief Counsel for Information Law
- i. Assistant Chief Counsel for International and Security Law

7. Background. The Chief Counsel (AGC-1) has realigned the AGC leadership team by adopting a leadership and practice area management model that includes greater specialization and organizational alignment of legal practice areas. 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 s managing legal work portfolios and an Executive Director for Operations managing AGC's business and legal support functions. The realigned AGC eliminates the regional and center counsel structure and straight-lines those legal services to the appropriate practice areas.

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.

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 Date: 2022.08.24
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Appendix A. Office of the Chief (AGC) Organizational Chart

