

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

**N 1100.357**

National Policy

Effective Date:  
06/10/15

Cancellation Date:  
06/10/16

**SUBJ:** Office of the Chief Counsel Realignment (AGC)

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**1. Purpose of this Notice.** This notice announces the realignment and restructuring of the substantive legal practice areas and units within the Office of the Chief Counsel

**2. Audience.** The notice announces a change in reporting structure that is primarily internal to the Office of the Chief Counsel and has limited impact on other FAA lines of business and staff offices.

**3. Where can I Find This Notice?** You can find this Notice on the MyFAA Employee Web site: [https://employees.faa.gov/tools\\_resources/orders\\_notices/](https://employees.faa.gov/tools_resources/orders_notices/). This Notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices/](http://www.faa.gov/regulations_policies/orders_notices/).

**4. Background.** This notice announces a series of moves within the Office of the Chief Counsel designed to streamline and strengthen the organization; transition to a more broadly focused and agile workforce structure capable of quickly responding to the changing demands of clients, the national air space system, the flying public and Congress; and start positioning the Office to operate effectively in a future environment characterized by constrained budgets, limited resources and unprecedented retirement turnover to meet the FAA's goal and objectives.

## **5. New Organizational Structure and Functions.**

**a. Chief Counsel (AGC-1).** The Chief Counsel is responsible for directing and overseeing the performance of all legal work of the Federal Aviation Administration (FAA). Activities and functions for which he or she is responsible include providing legal counsel, advice and representation of all FAA legal matters in order to ensure conformance with all legal requirements of applicable laws, rules, regulations and orders. The Chief Counsel exercises executive directions and oversight of the legal activities and functions of the Policy and Adjudication Organization, which includes litigation enforcement appeals related to the civil penalty program, Office of Dispute Resolution for Acquisition, acquisition and commercial law, fiscal law, legislation, and political affairs, regulations and rulemaking, international matters and Technical Center legal activities. The Chief Counsel also exercises executive direction and oversight of the legal activities and functions of the Operations Organizations, which includes enforcement, the Civil Penalty program, airports and environmental matters, employment and labor law, Aeronautical Center legal activities, and the Regional Counsel offices.

**b. The Deputy Chief Counsel (AGC-2)**, whose position is renamed “Principal Deputy Chief Counsel – Business Operations”. The Principal Deputy Chief Counsel, AGC-2, provides executive direction and oversight of AGC legal activities for procurement and fiscal law, legislation and political affairs, International matters, airports and environmental law, legal program management and other functions at FAA headquarters, regional and center offices. During periods of vacancy, AGC-2 will serve as the Acting Chief Counsel.

**c. Deputy Chief Counsel for Operations (AGC-3)**, whose position is renamed “Deputy Chief Counsel – Enforcement and Regulations”. The Deputy Chief Counsel for Enforcement and Regulations, AGC-3 provides executive direction and oversight of AGC legal activities for the regulations and enforcement practice areas. The Deputy reports directly to the Chief Counsel and is responsible for directing the work of the regulations and enforcement divisions to ensure accomplishment of critical agency strategic initiatives and organizational goals and measures. AGC-3 is responsible for providing leadership and direction for organizations engaged in highly visible, often controversial, regulations and enforcement legal matters, and working with assigned managers and staff, specific customers, and other stakeholders in providing services, support, oversight and compliance

**d. Deputy Chief Counsel – Litigation and Employment Law (AGC-4)**. The Deputy Chief Counsel for Litigation and Employment Law, AGC-4 provides executive direction and oversight of AGC legal activities for the Litigation and Employment Law practice areas. The Deputy reports directly to the Chief Counsel and is responsible for directing the work of the Litigation and Employment Law divisions to ensure accomplishment of critical agency strategic initiatives and organizational goals and measures. AGC-4 is responsible for ensuring that the work of the Litigation and Employment Law divisions and field offices is aligned with long and short-term FAA plans and objectives and working with assigned executives and managers, specific customers, and other stakeholders in providing services, support, oversight and compliance.

**e. International Affairs and Legal Policy Staff (AGC-7)**. The Assistant Chief Counsel for International Affairs and Legal Policy, AGC- 7, provides direction and oversight of the international law program. The international program responsibilities include developing the agency's position on international aviation law issues; serving as liaison for FAA on international aviation legal matters with international organizations, foreign countries, other Government agencies and industry; providing legal policy advice on matters related to international aviation; and providing legal support for FAA emergency operations and warnings to the aviation community respecting foreign airspace.

**f. Legal Program Management Staff (AGC-10)**. Realigning AGC-10 as a direct report to the Principal Deputy Chief Counsel, the Manager, AGC-10, is responsible for office-wide administrative matters; including budget formulation and execution, prioritization of budget and resource matters, personnel activity, internal personnel processes, representation of the office on labor matters, resource management, correspondence control functions, and travel management systems. All administrative functions are consolidated into a single unit, the Legal Program Management Staff.

**g. Legislative Staff (AGC-60).** The Assistant Chief Counsel for Legislation, AGC-60, provides direction and oversight of all legal aspects pertaining to the development and execution of the FAA legislative programs. The legislative program responsibilities include representing the agency regarding the legal aspects of legislative policy matters; reviewing written testimony; providing technical assistance and drafting as required; providing legal advice and guidance during agency development, coordination and drafting of resolutions, legislative proposals, testimony and reports; and providing advice and counsel on legal matter arising from appearances of FAA witnesses before Congressional hearings.

**h. Office of Dispute Resolution for Acquisition (ODRA), AGC-70.** The Director, AGC-70, will report directly to the Chief Counsel. The ODRA is the statutorily designated tribunal for all contract disputes and bid protests under the FAA's Acquisition Management System. To ensure an independent adjudicative function, FAA officials who are responsible for issuing final decisions in acquisition-related disputes must be formally separated or "bubbled" from any potential dispute that may come before them for decision.

**i. Employment and Labor Law Division (AGC-100).**

(1) The Assistant Chief Counsel for Employment and Labor Law, AGC-100, continues to serve as the Administrator's primary legal advisor on personnel and employment, equal opportunity and labor law matters. The Assistant Chief provides executive direction, oversight and policy guidance on all legal activities and functions related to the development and implementation of agency policy and programs on personnel and employment, labor and equal opportunity employment; litigation in all forums on personnel and employment, equal opportunity employment and select labor matters; and oversight of all legal involvement in labor contract negotiations. The executive exercises line authority over the headquarters division and works closely with the Field Operations executive to facilitate effective and consistent execution of policy direction and program planning in the field.

(2) The Assistant Chief Counsel also assumes primary responsibility for managing the agency-wide ethics program, which includes annual collection and review of financial disclosure reports; annual ethics training, interpretation and advice on the Office of Government Ethics Standards of Ethical Conduct for Executive Branch Employees; and review of requests by senior management on use of agency aircraft.

**j. Regulations Division (AGC-200).** The Assistant Chief Counsel for Regulations, AGC- 200, provides executive direction and oversight of all legal aspects pertaining to the development and execution of the regulatory programs. Activities and functions for which the executive is responsible include: 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 Orders and Department of Transportation policies; and developing procedures for processing rulemaking actions in a timely and systematic manner. The Assistant Chief Counsel has subject matter responsibility for all legal matters of a legislative or regulatory nature pertaining to airworthiness and certification, operations, air traffic procedures, flight standards subjects, and commercial space law.

**k. Enforcement Division (AGC-300).**

(1) The Assistant Chief Counsel for Enforcement, AGC-300, retains currently assigned functions and responsibilities, providing executive direction and oversight on all matters related to the legal enforcement program and those arising from agency regulatory compliance and enforcement programs. The Assistant Chief Counsel is responsible for developing and reviewing legal enforcement policies and programs; providing guidance to agency personnel on enforcement matters; and providing legal support for agency enforcement and compliance initiatives, including, for example, 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). As necessary, the Assistant Chief Counsel reviews enforcement actions of national significance for correctness and consistency with agency policy and objectives. Moreover, the Assistant Chief is responsible for tracking and monitoring legal enforcement activity office-wide for adherence to agency policy, consistency (as appropriate) in implementation, compliance with office business measures, and alignment with agency priorities and objectives. Further, the enforcement function includes representing the FAA in enforcement actions before the National Transportation Safety Board, the DOT Office of Administrative Law Judges, the FAA Decision maker, and the United States Courts of Appeals in 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.

(2) The Assistant Chief Counsel for Enforcement, AGC-300, will have a new executive position, the Deputy Assistant Chief Counsel for Enforcement, who will provide executive direction to the Field element of the FAA's National Enforcement Practice (NEP) and oversee the processing of enforcement cases generated by the field offices of the Flight Standards Service, Aircraft Certification Service, Office of Aviation Medicine, Office of Security and Hazardous Materials, and Office of Airports. The Deputy Assistant Chief Counsel will directly supervise five National Enforcement Program (NEP) Managers, provide second-level supervision to approximately 30 attorneys and support staff, as well as second-level programmatic supervision to approximately 30 more attorneys who perform legal enforcement work on a part-time basis; ensure that the work of the National Enforcement Program (NEP) is aligned with long and short-term FAA plans and objectives and acts independently to correct deficiencies and implement program improvement.

**l. Litigation and General Law Division (AGC-400).** The Assistant Chief Counsel for Litigation and General Law, AGC-400, provides executive direction and oversight primarily for tort litigation and all agency litigation that is not otherwise handled by specific subject matter experts; the civil penalty adjudication program; 49 CFR Part 9; and general law functions, including legal aspects of the Freedom of Information Act program, Privacy Act program, and Federal Advisory Committee Act program. The Assistant Chief Counsel provides legal services to FAA and its employees in aircraft accident investigations and associated litigation; processes tort claims; secures Department of Justice (DOJ) representation for FAA employees sued in their individual capacities; assists DOJ in defending wrongful death, personal injury and property damage lawsuits; represents the FAA before federal courts of appeals in some petitions to review

agency orders; processes and oversees actions related to requests for employee testimony in private litigation matters; provides legal advice and guidance on all aspects of the external OSHA program, Freedom of Information Act and Privacy Act programs and Federal Advisory Committee Act requirements; and, with the Chief Counsel, serves as the Administrator's primary advisor in matters involving the agency's civil penalty adjudication program.

**m. Acquisition and Fiscal Law Division (AGC-500).** The Assistant Chief Counsel for Acquisition and Fiscal Law, AGC-500, retains currently assigned functions and responsibilities. The Assistant Chief Counsel is responsible for providing executive direction and oversight of all aspects of the legal services to clients in connection with agency programs and activities associated with the acquisition of material, services, facilities and equipment necessary for the operation and maintenance of the Nation's airspace and airway systems; policies and practices related to agency acquisition, proprietary and commercial law activities; bid protests and conduct of litigation involving agency contracts and agreements; fiscal law and appropriation matters; aviation insurance matters; proposed legislation, regulations and agency orders affecting agency acquisition policies and programs, commercial law related activities and appropriation matters; and legal advice regarding all aspects of contract formation and administration, including intellectual property, antitrust, bankruptcy, debarment, conflict of interest, real estate, mergers, security, export control, procurement integrity, property disposal, fiscal, and socio-economic laws affecting acquisitions, advice on cooperative agreements, grants (other than airport improvement grants) interagency and other agreements involving either the obligation of federal funds or reimbursement of funds to FAA. The Assistant Chief Counsel participates in developing and updating the agency's acquisition management system policy, provides advice and determinations on inherently governmental functions, and assists the agency on comparisons between using federal employees or the private sector to perform commercial activities.

**n. Airport and Environmental Law Division (AGC-600).** The Assistant Chief Counsel for Airports and Environmental Law, AGC-600, retains currently assigned functions and responsibilities. The Assistant Chief Counsel provides executive direction and oversight of all aspects of legal services supporting the agency's airport matters and on environmental matters for all lines of business, including relationships with state and local governments. The Assistant Chief Counsel is responsible for providing legal advice concerning policies and procedures for airport planning and programs, such as the Airport Improvement Program, Passenger Facility Charge Program, the Airport Compliance Program, airport noise compatibility planning and programs, and the national program for review of airport noise and access restrictions. The Assistant Chief Counsel also is responsible for reviewing environmental impact statements and other environmental documents for airport development projects and projects proposed to increase capacity in the national airspace system, as well as providing, legal guidance regarding the promulgation of rulemaking in airport and environmental law matters. The Assistant Chief Counsel and the AGC-600 staff handle litigation within the subject matter of the division, representing the FAA in administrative proceedings concerning compliance with airport grant assurances and working closely with DOJ to represent the FAA in federal court.

**o. Regional Operations and Training Division (AGC-700).** The Assistant Chief Counsel for Regional Operations and Training, AGC-700, is responsible for directing and overseeing the broad range of legal services provided to FAA field offices and exercises line authority over the

nine Regional Counsels and the Center Counsels at the Aeronautical Center and Technical Center. Specifically the Assistant Chief Counsel is primarily responsible for: ensuring that legal services are delivered in a manner that is timely, efficient and consistent with legal norms; representing the field office perspective, needs and unique operational requirements of the legal practice area executives, Deputy Chief Counsels and Chief Counsel; and ensuring consistent implementation and application of legal requirements and policy on legal matters across the regions and, as appropriate, the centers. The full-service legal practice of the Regional and Center Counsel Offices includes employment law, regulatory interpretation, acquisition and commercial law, airport and environmental law, Freedom of Information Act, Privacy Act, ethics, regulatory activity of the specialized directorates, torts, and litigation across all disciplines. The Assistant Chief Counsel is responsible for developing training strategy to strengthen the ability of the AGC workforce to adapt to changing demands and to benefit from innovation and new technologies; and implementing a flexible training and workforce development program that responds to identified business needs for well trained employees, particularly in those sectors that are new to the FAA.

**6. Documentation.** The next revision of Order 1100.2, Organization - Federal Aviation Administration will document this new organizational structure.

**7. Organizational Chart.** The Office of the Chief Counsel Organizational Chart is attached as Appendix A.

**8. Distribution.** This order is distributed to the division level in the Washington headquarters, regions and centers with distribution to each field office and facility.

A handwritten signature in black ink, appearing to read 'Michael P. Huerta', with a circled number '1' to the right of the signature.

Michael P. Huerta  
Administrator

**Appendix A. Office of the Chief Counsel Organizational Chart**

