



**Federal Aviation
Administration**

Chief Counsel

Fiscal Year 2012 Business Plan

FY2012 AGC Business Plan

The Office of the Chief Counsel (AGC) furnishes legal support and 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. 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.

In addition to traditional legal services, AGC is responsible for 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. (Title 49, United States Code, '46301). AGC also houses the agency's developing Audit and Evaluation Organization (AAE) that serves as a consolidated focal point for disclosures affecting aviation safety, including health and safety of FAA employees and whistleblower contributions; coordinating DOT Office of Inspector General (OIG) and General Accountability Office (GAO) audits and investigations on aviation safety and matters directly affecting the health and safety of FAA employees; acting as liaison with the Office of Special Counsel; and providing an intervention function to assist FAA managers and employees in resolving workplace conflict.

Next Level of Safety

The Office of the Chief Counsel (AGC) supports the FAA's objective of increased safety primarily through our rulemaking activity, regulatory enforcement activity, and vigorous defense of the agency in various types of litigation. 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, petitions for exemption, airspace actions and obstruction determinations. We also provide interpretations of FAA regulations to internal agency officials and members of the public.

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.

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).

Another way AGC contributes to fostering a positive safety culture and managing risk by proactively seeking to identify and mitigate risks, is the Office of Audit and Evaluation. This office does not provide legal services, rather its function is to provide a centralized focus for safety-related complaints and other critical audits and investigations. AAE will serve as a centralized entry point for disclosures and recommendations on safety-related issues, whistleblower matters, and the various FAA hotlines. The offices will also serve as a point of contact and oversight for matters related to the DOT Office of the Inspector General (OIG), the Government Accountability Office (GAO), and the Office of Special Counsel (OSC).

Strategic Measure: Commercial Air Carrier Fatality Rate

Reduce the commercial air carrier fatalities per 100 million persons on board by 24 percent over 9-year period (2010-2018). No more than 6.2 in 2018. FY 2012 Target: 7.6

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

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

Activity Target 1:

Submit to OST 85% of the significant rules approved by the Rulemaking Council within 90 days of the scheduled date. Due September 30, 2012

Activity Target 2:

Issue 85% of the nonsignificant rules approved by the Council within 90 days of the scheduled date. Due September 30, 2012

Strategic Measure: Airport Safety

Implement 40 percent of mitigating strategies for the top 5 airport risk areas. FY 2012 Target: Establish baseline and formulate mitigation plan

Strategic Initiative: Airports Safety Management System

Develop a pro-active safety culture at Part 139 certificated airports through rulemaking, airport design standards and inspections.

Strategic Activity: Implement Safety Management System (SMS) rulemaking for certificated airports

Implement SMS for Part 139 airports.

Activity Target 1:

Provide legal support to issue draft Airport SMS AC for public comment. Due February 29, 2012

Activity Target 2:

Provide legal support to publish final SMS Advisory Circular. Due July 31, 2012

Activity Target 3:

Provide legal support to submit SMS Final Rule to OST in accordance with Council-approved schedule. Due September 30, 2012

Strategic Measure: Information Systems Security

Ensure no cyber security event significantly degrades or disables a mission-critical FAA system. FY 2012 Target: 0

Strategic Initiative: FAA Privacy Program

Protect FAA sensitive and individual privacy information from unauthorized disclosure.

Strategic Activity: Stabilize Information Assurance/Privacy Operations

Mature the Data Loss Prevention program and reduce the PII vulnerabilities throughout the FAA.

Activity Target 1:

Participate in remediation efforts with the Privacy office to monitor, track, and report remediation of personally identifiable information (PII) vulnerabilities identified during Data Loss Prevention (DLP)/Security scanning to ensure reduction rate occurs within risk defined by the CIO. Interim report dates are January 20, 2012, March 3, 2012, May 12, 2012, July 2, 2012, September 8, 2012. Due September 30, 2012

Activity Target 2:

Implement LOB/SO data lifecycle reviews (e.g. reviewing the flow of PII from collection through destruction) of functions/sub-functions determined to be high risk due to a number of criteria including volume and sensitivity of PII held. Report status of milestone activities to the Privacy office. Interim dates are March 31, 2012, June 30, 2012. Due September 30, 2012

Activity Target 3:

Report status of enterprise activities to Reduce/Eliminate Social Security Numbers (SSNs) as detailed in the SSN Reduction/Elimination Plan. Due September 30, 2012

Strategic Activity: Ensure Privacy Program Compliance

Develop Privacy Program plans and controls and assess compliance.

Activity Target 1:

Participate in privacy compliance reviews of PII systems in accordance with approved plan. Develop a schedule to remediate identified vulnerabilities and ensure remediation activities are completed according to schedule. Report LOB/SO progress against schedule monthly to the

FAA Privacy Compliance Officer. Due September 30, 2012

Activity Target 2:

Participate in third party privacy controls evaluations for LOB/SO contractor operated systems in accordance with approved plan. Develop a schedule to remediate identified vulnerabilities and ensure remediation activities are completed according to schedule. Report progress against schedule monthly to the FAA Privacy Compliance Officer. Due September 30, 2012

Activity Target 3:

Complete 100% of all PTAs, PIAs and SORNs as required. Ensure PTA/PIA and SORNs are reviewed by the Privacy Office. Due September 30, 2012

Activity Target 4:

Ensure that 80% of FAA personnel complete annual privacy awareness training. Conduct 2 privacy courses at the IT/ISS Conference. Conduct privacy training at 2 FAA locations. Provide report of accomplished activities to CIOC. Due September 30, 2012

Ensure through regular formal meetings, that legal services are provided in a manner that reflects the priorities of the Administrator, Destination 2025 and AGC's primary clients.

Activity Target 1:

Meet regularly 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, 2012

Core Measure: Compliance and Enforcement

Prioritize and prosecute enforcement actions timely in accordance with the agency's safety goals by taking the first legal action on 80% of the number of cases received between July 1, 2011 and June 15, 2012 and conducting 50% of informal conferences within 90 days of receipt of a respondent's request and 75% of informal conferences within 180 days.

Core Initiative: Legal Services Supporting the Agency Compliance and Enforcement Program

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST, which include representing the agency before the NTSB, FAA Decisionmaker and the federal courts, providing timely and effective legal advice and policy document review in support of enforcement activities, and assisting with training that improves the effectiveness of the agency's enforcement program.

Core Activity: Timely Prosecute Legal Enforcement Actions

Prosecute enforcement actions timely and efficiently in support of agency safety activities by taking the first legal action on 80% of the number of cases received in AGC between July 1, 2011 and June 15, 2012.

Activity Target 1:

Take the first legal action (initiate case, transmit case alert to headquarters, return case to program office, or close case) on 80% of the number of cases received in AGC between July 1, 2011 and June 15, 2012. Due September 15, 2012

Activity Target 2:

Monitor and report results for each Regional Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Mid-Year report due on April 15, 2012, and final report due September 25, 2012. Due September 25, 2012

Core Measure: Rulemaking Legal Services

Assist Office of Rulemaking and program offices to provide regulatory legal services in accordance with Destination 2025 and client priorities.

Core Initiative: Support Agency Rulemaking Activity

Support Agency rulemaking activities and improvements by ensuring rules meet legal standards.

Core Activity: Provide Legal Services on Agency Rulemaking Initiatives in Accordance with Agency Priorities

Provide legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking.

Activity Target 1:

Provide legal services on rulemaking documents and related guidance material. Due September 30, 2012

Core Activity: Evaluate Effectiveness of Legal Services on Agency Rulemaking Initiatives

Core Activity: Efficient Processing of Enforcement Actions

Process legal enforcement cases efficiently by timely conducting 50% of informal conferences within 90 days of receipt of a respondent's request and 75% within 180 days.

Activity Target 1:

Conduct 50% of informal conferences within 90 days of receipt of a respondent's request and 75% within 180 days. Due September 15, 2012

Activity Target 2:

Monitor and report results for each Regional Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Due quarterly and final report on September 25, 2012. Due September 25, 2012

Core Activity: Processing Cases to Avoid Enforcement Case Backlog

Complete cases so that the percentage ratio of cases completed is at least 60% of the number of cases received.

Activity Target 1:

Complete cases, i.e., take the last legal action, so that the percentage ratio of cases completed is at least 60% of the number of cases received. Due September 15, 2012

Activity Target 2:

Monitor and report results for each Regional Counsel Office, Aeronautical Center, AGC-300 and AGC-wide. Due quarterly and final report on September 25, 2012. Due September 25, 2012

Core Activity: Efficient Coordination and Approval of Significant Enforcement Actions

Efficiently process the coordination and approval of significant enforcement actions within the FAA Headquarters.

Activity Target 1:

Submit to the program office for concurrence 70% of enforcement alerts within 45 days of receipt by AGC-300. Due September 30, 2012

Core Activity: Enhance Legal Representation

Publish enforcement newsletter and evaluate selected enforcement activity.

Activity Target 1:

Publish enforcement newsletter four times each year. Due September 30, 2012

Activity Target 2:

Select enforcement activity for evaluation, conduct evaluation, and provide feedback. Due September 15, 2012

Activity Target 3:

Meet quarterly with primary client offices to receive and provide feedback. Due quarterly. Due September 30, 2012

Core Activity: Refresher Training for Enforcement Investigative Personnel

Provide refresher training to enforcement investigative personnel.

Activity Target 1:

Consult with enforcement client offices to determine which offices will support refresher training for its investigative personnel. Due October 31, 2011

Activity Target 2:

Provide training to personnel from 25% of participating offices. Due September 15, 2012

Core Activity: Compliance and Enforcement Training for AVS

Provide support for AVS's Compliance and Enforcement Training for new inspectors.

Activity Target 1:

To the extent practicable, provide instructors for the legal portions of AVS's Compliance and enforcement Training for new inspectors and Advanced Recurrent Compliance and Enforcement Training for experienced inspectors. Due September 30, 2012

Core Activity: FAA Order 2150.3B

Reconcile FAA Order 2150.3B, Compliance and Enforcement Program and FAA Order 8900.1 Flight Standards Information Management System (FSIMS).

Activity Target 1:

Identify changes need to Order 2150.3B. Due March 31, 2012

Activity Target 2:

Submit identified revisions, if any, to FAA Order 2150.3B for final coordination. Due September 30, 2012

Core Measure: Tort Litigation Services

Review claims submitted under the Federal Tort Claims Act and complete claims analysis within 6 months of receipt for 60% of the unsettled claims.

Core Initiative: Tort Litigation Support

Provide representational legal services on all phases of tort litigation.

Core Activity: Tort Litigation Support

Ensure that tort litigation services are provided in a timely manner.

Activity Target 1:

Complete the claims analysis within 6 months of the receipt of the claim or within 6 months of when, in the absence of a settlement, the claim file is complete and sufficient factual information is available. Due September 30, 2012

Activity Target 2:

Prepare proposed answers or response as requested by the Department of Justice, if DOJ has assumed control of a matter otherwise, within 50 days of filing of complaint. Due September 30, 2012

Core Measure: AVS Core Delegation

Management of FAA's critically important Designee program includes the advancement of innovative delegation programs and overseeing of FAA approved designees as they conduct inspections and certifications of people, equipment, and organizations.

Core Initiative: Oversee Designees

Oversee FAA approved designees as they conduct inspections and certifications of people, equipment, and organizations.

Core Activity: Legal Training for Aviation Medical Examiners (AMEs)

As part of the oversight of designees, ensure Aviation Medical Examiners receive training on legal matters as part of their training.

Activity Target 1:

As part of the oversight of designees, ensure that 1,000 Aviation Medical Examiners receive training on legal matters as part of their training. Due September 28, 2012

Core Measure: Continuity of Operations

Exceed Federal Emergency Management Agency continuity readiness levels by 5 percent.

Core Initiative: Emergency Operations and Crisis Management Integration

Integrate agency-wide emergency operations and crisis management by improving information flow among FAA Lines of Business and staff offices.

Core Activity: Provide legal support to FAA's emergency operations planning and response efforts

Provide legal support to FAA's emergency operations planning and response efforts.

Activity Target 1:

Provide legal support for annual emergency operations conferences with emergency planners and CROC/ROC managers and HQ/Regional exercise. All legal support required will be provided prior to scheduled conferences, with continuing support at the conference. Due September 30, 2012

Core Measure: Audit and Evaluation Office (AAE)

Provide timely and centralized focus for safety-related complaints and other critical audits and investigations. Ensure that 75% of corrective actions developed by lines of business (LOB) are implemented by the milestone date.

Core Initiative: Audit and Evaluation Office (AAE)

Develop and formalize work processes for the Audit and Evaluation Office (AAE), whose function is to provide a centralized focus for safety-related complaints and other critical audits and investigations.

Core Activity: Data Analysis and Reporting

Data analysis and reporting in the AAE organization.

Activity Target 1:

Complete analysis of FY 2011 hotline data and whistleblower contributions to identify any trends or significant safety issues. Due December 31, 2011

Activity Target 2:

Prepare reports on trends or significant safety issues for the Administrator, Deputy Administrator, Chief Counsel, and lines of business and conduct appropriate briefings. Due March 31, 2012

Activity Target 3:

Continuously develop better techniques for the early identification of safety trends. Due September 30, 2012

adequate legal review, attorney is to notify the program office and let it know when legal review will be complete Due September 30, 2012

Core Initiative: Provide Regulated Community with Guidance on Agency Regulations

Provide regulated community with timely and publicly available guidance in response to requests for interpretations of FAA regulations.

Core Activity: Enforcement Program Implications

Provide initial response regarding implications on the enforcement program of a request for interpretation within 5 business days of a request from AGC-200.

Activity Target 1:

Within 5 days of a request from AGC-200 provide initial response to AGC-200 on whether a request for interpretation relates to an ongoing enforcement action. Due September 30, 2012

Activity Target 2:

Within 5 business days of a request from AGC-200 provide initial response to AGC-200 on the enforcement implications of a request for interpretation or a draft response to a request for interpretation. Due September 30, 2012

Core Activity: Statutory Interpretation and Preemption

Provide an initial response on questions of statutory interpretation and preemption within 5 business days of a request from AGC-200.

Activity Target 1:

Within 5 business days of a request from AGC-200 provide an initial response to AGC-200 on questions of statutory interpretation and preemption. Due September 30, 2012

Core Activity: Respond To Requests By The Public For Legal Interpretations Of Agency Regulations

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

Activity Target 1:

Respond to 60% of requests for interpretation within 120 days of receipt in FY2012. In cases where the Agency decides not to answer the request, a "no-response" letter will be sent within

Core Measure: Regulatory Legal Services

Provide legal analysis of agency regulations to Office of Rulemaking and program offices and provide the regulated community with timely guidance on regulations by completing 60% of public requests for regulatory interpretations within 120 days of receipt.

Core Initiative: Provide Legal Analysis of Agency Regulations

Provide legal analysis of agency regulations to Office of Rulemaking and program offices and provide the regulated community with timely guidance on regulations by completing 60% of public requests for regulatory interpretations within 120 days of receipt.

Core Activity: Provide Legal Review of Agency Grants and Denials of Exemptions from Regulatory Requirements

Provide program offices with timely legal review of grants and denials of exemptions from the agency's existing regulatory requirements in accordance with criteria set forth by statute in 14 CFR Part 11.

Activity Target 1:

Within 30 days of receipt, provide legal concurrence or return document to program office with detailed explanation of why document is not legally sufficient for 70% of the exemptions submitted to AGC for review in FY 12. Due September 30, 2012

Core Activity: Provide Legal Review of Agency Guidance and Advisory Materials

Provide legal concurrence or return document to program office with an explanation of why the document is not legally sufficient.

Activity Target 1:

Complete review within timeframes requested to the extent possible based on other priorities. If program office has designated insufficient time for

120 days, consistent with performance metric. Due September 30, 2012

Activity Target 2:

Have legal interpretations of agency regulations placed on the FAA website within 10 business days of issuance. Responses to legal interpretations requested by program offices will be posted on the website when not otherwise contrary to the agency's interest and the response addresses a matter that could directly impact regulated parties. Due September 30, 2012

Core Activity: Prepare Draft Civil Penalty Decisions

Provide timely draft civil penalty decisions.

Activity Target 1:

Complete draft decisions for the Administrator, or other decision-maker, for civil penalty appeals within 180 days of the receipt of the last brief in 60% of the appeals. Due September 30, 2012

Core Measure: Audit and Evaluation Office (AAE)

Ensure that 90% of hotline call-ins receive a "call-back" within 10 business days.

Core Initiative: Processes for Addressing Whistleblower Contributions and Concerns

Develop and formalize work processes for the Audit and Evaluation Office (AAE), whose function is to provide a centralized focus for safety-related complaints and other critical audits and investigations.

Core Activity: Processes for Addressing Whistleblower Contributions and Concerns

Processes for addressing whistleblower contributions and concerns.

Activity Target 1:

Implement new action plans to improve AAE processes and programs. Due September 15, 2012

Activity Target 2:

Ensure that 75% of corrective actions developed by LOB are implemented by the milestone date. Track the milestones and implementation of corrective actions to identified FAA-wide program deficiencies identified in both internal and external audits and investigations, and ensure that the corrective actions effectively address the identified problem areas. Due September 30, 2012

Activity Target 3:

Continuously improve response times to FAA hotline submissions. Due September 30, 2012

Activity Target 4:

Continuously evaluate AAE programs, including the hotline system, SIRS, the Whistleblower Protection Program, and the GAO/OIG liaison functions, identify process improvements, and

Core Measure: Agency Tort Liability Analysis

Monitor the Agency's contingent liability and keep the Chief Counsel and Administrator apprised of potential agency exposure and prepare quarterly reports.

Core Initiative: Agency Tort Liability Analysis

Assessment of potential agency exposure and monitor the Agency's contingent liability.

Core Activity: Assessment of Contingent Liability

Prepare required contingent liability reports for tort litigation.

Activity Target 1:

Coordinate with Financial Management Services (AFM) litigation liability response. Due September 30, 2012

Activity Target 2:

Keep the Administrator, Deputy Administrator and ATO apprised of significant changes and potential future liability likely to affect the agency. Due September 30, 2012

Core Measure: Civil Penalty Appeal Decisions

Complete draft decisions for the Administrator, or other decision-maker, for civil penalty appeals within 180 days of the receipt of the last brief in 60% of the appeals.

Core Initiative: Civil Penalty Appeal Decisions

Prepare draft civil penalty decisions within 180 days of the receipt of the last brief in 60% of the appeals.

develop action plans to implement process improvements. Due September 30, 2012

intervention in employee safety concerns. Due September 30, 2012

Activity Target 5:

Continuously improve response times for FAA responses to GAO, OIG, and OSC audits and investigations. Ensure 90% of responses are delivered on time. Due September 30, 2012

Core Initiative: Outreach to Internal and External Stakeholders

Develop and formalize work processes for the Audit and Evaluation Office (AAE), whose function is to provide a centralized focus for safety-related complaints and other critical audits and investigations.

Core Activity: Outreach to Internal and External Stakeholders

Outreach to internal and external stakeholders.

Activity Target 1:

Continuously educate internal (agency employees) and external stakeholders on the functions, purpose and mission of the Office for Audit and Evaluation. Due September 30, 2012

Activity Target 2:

Continuously improve access portals for hotline call-in directory to provide more usable information and efficient processes for contributors. Ensure that 90% of call-ins receive a "call-back" within 10 business days. Due September 30, 2012

Activity Target 3:

Serve as an internal safety consultant to the Administrator, and the heads of all FAA operational units. Due September 30, 2012

Core Activity: Intervention and Evaluation

Provide an impartial internal agency venue for the investigation and early resolution of safety disclosures.

Activity Target 1:

Continuously reduce by 20% the number of OSC investigations of FAA employee whistleblower disclosures by providing fair and impartial internal agency venue for the investigation and early resolution safety disclosures. Due September 30, 2012

Activity Target 2:

Evaluate the areas where the former Center for Early Dispute Resolution (CEDR) was effective as well as other mechanisms for dispute resolution and implement additional best practices for

Aviation Access

The Office of the Chief Counsel (AGC) supports the agency's objective of maximizing access to the aviation system 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.

AGC attorneys in our acquisition and commercial law practice area assist clients in acquiring safety and capacity enhancing equipment and services, as well as, the intellectual and real property needed to support Destination 2025 initiatives and other high priority projects. The attorneys support all high value agency procurement activities; advise on grants, cooperative agreements, and other transaction agreements; and represent the Agency in acquisition related litigation and disputes. The acquisition attorneys also provide the fiscal and commercial law services needed to support the agency's information security requirements, export control compliance, bankruptcy cases, antitrust issues, real estate activity and appropriations matters.

The Office of Dispute Resolution for Acquisition (ODRA) further supports access to the aviation system by providing a streamlined administration process to resolve acquisition related conflicts and disputes. 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 are promptly adjudicated. ODRA provides timely, efficient and accessible dispute resolutions processes to resolve acquisition related conflicts.

Strategic Measure: Core Airports Throughput

Increase throughput at core airports by 12 percent to reduce delays by 27 percent using a 2009 operations baseline. FY 2012 Target: Finalize metric and Target

Strategic Initiative: Capacity-Enhancing Policies

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

Strategic Activity: Orders, regulations and legislative proposal support

Analyze capacity and congestion policy implications of NextGen near-term and mid-term improvements.

Activity Target 1:

Review new and current agreements for legal sufficiency with airports and/or airlines regarding NextGen-related capacity enhancements, congestion reduction and delay mitigation as needed. Due September 30, 2012

Activity Target 2:

Provide legal drafting, analysis and other technical assistance on draft orders, regulations and legislative proposals as needed. Due September 30, 2012

Strategic Activity: Congestion management solutions in the New York Area

Implement congestion management solutions in the New York Area.

Activity Target 1:

Provide support for orders, regulations or legislation rulemaking to address congestion at the New York Metro airports as needed. Due September 30, 2012

Activity Target 2:

Manage slot allocation program as needed. Due September 30, 2012

Core Measure: Airport and Environmental Legal Services

Assist the Office of Airports and other program offices to meet the strategic initiative to increase airport capacity and advance Next Gen capabilities in an environmentally responsible manner, complete review of 60% of environmental impact statements for major projects within 30 days of receipt, provide other airport and environmental legal services in accordance with Destination 2025 priorities, and assist in training to improve the effectiveness of the agency's airport and environmental programs. Improve efficiency of the airport compliance program by conducting an initial review of 70% of draft Part 16 Final Agency Decisions (FAD) within 10 days of receipt and conducting substantive legal

reviews of 60% of completed FADs within 2 weeks. Provide timely and effective representational legal services in defense of airport and environmental litigation by reviewing petitioners' initial briefs within 2 weeks, assisting Department of Justice in drafting respondent's brief within 10 days, and providing active support in preparation for oral arguments.

Core Initiative: Support Airport & Agency Environmental Activity

Support strategic initiatives to increase airport and system capacity and NextGen capability. Assist in formulating and implementing policies, strategies, and best practices to advance aviation in an environmentally responsible manner, including the civilian air traffic environmental analysis process improvement implementation project. Beyond capacity enhancement, provide legal support for other airport strategic initiatives relating to the next level of safety, aviation access, and workplace of choice. Develop and implement innovative procedures to enhance the effectiveness of representational legal services to the agency.

Core Activity: Timely and Effective Provision of Representational Legal Services

Finalize and publish procedures for compilation of administrative records.

Activity Target 1:

Organize a work group. Due December 31, 2011

Activity Target 2:

Review AGC-600 comments and coordinate revised draft with client offices. Due June 30, 2012

Activity Target 3:

Finalize procedures and deliver draft to Federal Register for publication. Due September 30, 2012

Core Activity: Airport Law Services to Office of Airports

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 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 15, 2012

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 60% of the time. Due September 15, 2012

Activity Target 3:

Meet due dates while providing timely legal services in processing complaints. Due September 15, 2012

Core Activity: Airport and Environmental Law Training to Train Regional Attorneys on Title VI Civil Rights Matters

Provide support for Office of Airports and Office of Civil Rights Training and ACI NA and AAAE Basics of Airport Law Seminar personnel.

Activity Target 1:

To the extent practicable, provide speakers for legal sessions during conferences and recurrent training conducted for Airports and Civil Rights personnel and for annual industry conferences. Due September 30, 2012

Core Activity: Policy and Guidance Information for National Environmental Policy Act (NEPA) Compliance and Strategic Plan for NextGen Environmental Requirements

Support update of agency umbrella policies and procedures for complying with NEPA and development of strategic plan for NextGen environmental requirements.

Activity Target 1:

Advance the implementation and application of NEPA climate change guidance. Due December 30, 2011

Core Activity: Update Airport Program Guidance

Support update of guidance for airport safety, compliance, and improvement programs.

Activity Target 1:

Publish 12 Advisory Circulars (office of Airport Safety). Due September 30, 2012

Activity Target 2:

Complete disposition of comments on Airport Compliance Order. Due September 30, 2012

Activity Target 3:

Publish revised Airport Compliance Order. Due September 30, 2012

Activity Target 4:

ARP to submit chapters for review by December 31, 2011 and entire draft AIP Handbook to AGC for initial legal review by April 1, 2012. Issue draft AIP Handbook for public review and comment. Due August 31, 2012

Core Activity: Timely and Effective Provision of Representational Legal Services

Provide timely and effective representational legal services.

Activity Target 1:

No later than 30 days after the certified list of documents comprising the administrative record has been filed, contact the U.S. Department of Justice attorney and provide a written overview of the key issues in the case. Due September 30, 2012

Activity Target 2:

Review petitioners' initial briefs within 2 weeks of receipt and provide written comments on the accuracy of the statement of facts, with references to the administrative record. Due September 30, 2012

Activity Target 3:

Assist the U.S. Department of Justice attorney in drafting respondents' briefs, as requested, within 10 business days of the request. Due September 30, 2012

Activity Target 4:

Review petitioners' reply briefs and provide any appropriate additional analysis and comments, with references to the administrative record, at least 30 days before oral argument is held. Participate in moot courts to help the Department of Justice attorney prepare for oral arguments. Due September 30, 2012

Core Measure: Acquisition Related Legal Services

Provide timely acquisition related legal services. Maintain 90 percent of major system investments within 10 percent variance of current baseline total budget at completion. Provide legal support needed for continued deployment of dependent surveillance to key sites in support of the SBS national program baseline.

Core Initiative: Acquisition & Commercial Law Services Division

Provide legal advice and represent the Agency interests relating to the FAA's acquisition of the systems and services needed to achieve Destination 2025 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: Contract Formation and Administration Oversight

Participate in formal oversight program to review solicitations and contracts through the National Acquisition Evaluation Program (NAEP). Based on the result of these reviews implement corrective actions as necessary.

Activity Target 1:

Provide legal support to NAEP audits done in FY2011. Due September 30, 2012

Activity Target 2:

Review reports of the NAEP and proposed corrective actions to improve legal support to the contracting activities involved. Implement any changes needed within 30 days of receipt of the NAEP report. Due September 30, 2012

Activity Target 3:

Suspend or debar contractors within 45 calendar days of a proper notice of an indictment, conviction or guilty plea or document why suspension or debarment is not appropriate. Due September 30, 2012

Core Activity: Legal Support for Deployment of Automatic Dependent Surveillance - Broadcast (ADS-B)

Provide legal support needed for continued deployment of dependent surveillance to key sites in support of the SBS national program baseline.

Activity Target 1:

Review and advice on contract documents and other agreements as needed to complete the program's activity targets for fiscal year 2012. Due September 30, 2012

Core Activity: Legal Support for Major System Acquisitions

Implement and improve acquisition processes and monitor major system acquisitions to help assure

major system acquisitions remain within acquisition cost and schedule baselines.

Activity Target 1:

Provide legal advice needed to avoid unanticipated cost growth on major system acquisitions such that 90% of the Major System Acquisitions are within 10 percent variance of their current baselined total budget estimate at completion (BAC). Due September 30, 2012

Activity Target 2:

Recommend or approve at least two proposed changes to acquisition processes to reduce the risk of major system acquisition programs failing to achieve their cost and schedule baselines. Due September 30, 2012

Activity Target 3:

Develop guidance on the use of interagency agreements to assure that the full cost of these agreements is compared to the cost of the FAA doing the acquisition to enable a best value determination of the better alternative. Due June 30, 2012

Core Activity: Aviation War Risk Insurance

Efficiently process the coordination and legal analysis of aviation war risk insurance issues to effectively address agency objectives.

Activity Target 1:

Initiate legal coordination with ATO, the FAA Civil Aviation National Security Division and other U.S. government agencies as needed within 30 days of receipt of an incoming request. Due September 30, 2012

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

Provide timely, fair, responsive and efficient adjudication and alternative dispute resolution ("ADR") services for bid protests and contract disputes arising under the AMS, thereby ensuring the integrity of the Agency's procurement processes.

Core Initiative: Adjudicatory/Dispute Resolution Services

Serve as the FAA's exclusive administrative tribunal for adjudicating and deciding procurement and acquisition-related disputes. Provide dispute avoidance and early

resolution services to the Agency and its private sector contracting partners, assisting them through voluntary Alternative Dispute Resolution ("ADR") methods to the maximum extent practicable. For those matters that cannot be avoided or resolved through the use of ADR, provide a flexible, efficient and transparent adjudication process. Educate Agency personnel and private sector stakeholders regarding the FAA's acquisition dispute resolution and adjudication processes.

Core Activity: Provide timely, fair, responsive and efficient ADR and Adjudication Services

Provide timely, fair, responsive and efficient ADR and Adjudication services to the FAA and its contracting partners

Activity Target 1:

Publish a standing Order establishing a pilot program for the optional electronic filing of pleadings and documents in ODRA matters. Due September 30, 2012

Activity Target 2:

Participate in 3 or more Agency/ outside training/educational conferences. Due September 30, 2012

Activity Target 3:

Visit at least 2 regions/centers and conduct workshops with their attorneys/ contracting personnel. Due September 30, 2012

Activity Target 4:

Complete Findings and Recommendations in typical adjudicated cases in the following average number of days from the date of closing of the administrative record: non-complex protests- 30 calendar days; complex protests- 60 calendar days; non-complex contract disputes-90 calendar days; complex contract disputes- 180 calendar days. Due September 30, 2012

Activity Target 5:

As the Agency's designated Dispute Resolution Specialist under the Administrative Dispute Resolution Act, represent the FAA by participating in the Attorney General's Interagency Alternative Dispute Resolution Working Group and advise the Agency on dispute resolution policies and practices. Due October 1, 2011

Activity Target 6:

Provide hearing officers to adjudicate designated airport grant-related disputes pursuant to 14 C.F.R. Part 16. Due October 1, 2011

Activity Target 7:

Conduct periodic surveys of participating parties regarding the quality and efficacy of the ODRA's dispute resolution and educational/ training services. Due September 30, 2012

Activity Target 8:

Develop individual professional development plans for all ODRA attorneys and staff. Due October 1, 2011

Core Measure: Improve Access and Ensure Availability of Airports at Commercial Service Airports

Achieve a 50 percent reduction in findings on airport revenue use audits at commercial service airports from a 2010 baseline. To achieve a 25 percent reduction in findings on airport revenue use audits at commercial service airports from a 2010 baseline by 2018, we will complete all of the following in 2012.

Core Initiative: Reduce Revenue Use Audit Findings Based on Increased Oversight

By law, revenue generated on an airport must stay in the airport system. Revenue may not be used for non-airport related purposes such as funding unrelated municipal costs. To ensure airport sponsors adhere to this requirement for federally funded airports, FAA conducts regular audits of airports. A reduction in findings of these audits will ensure lower fees and costs to airport users and result in a stronger, more competitive airport system.

Core Activity: Legal Support to Increase Airport Compliance

Provide legal advice, guidance and support to achieve by 2018 a 25% reduction in revenue use compliance findings by re-evaluating the Rates and Charges policy. Provide legal support for community efforts to privatize airports and reducing Part 16 processing times.

Activity Target 1:

Provide legal support to achieve a targeted reduction in Part 16 processing time by examining process change ideas, including electronic filing. Due March 31, 2012

Activity Target 2:

Provide legal support to achieve a targeted reduction in Part 16 processing time by providing

external guidance regarding Part 16 process. Due September 30, 2012

Activity Target 3:

Provide legal support to consult with selected industry groups for recommendation on the need for public comment to update the Airport Rates and Charges current policy draft to include three 2003 policy amendments. Due October 31, 2011

Activity Target 4:

Provide legal support to publish the Rates and Charges policy as final or request public comment, based on industry coordination results. Due March 31, 2012

Activity Target 5:

Provide legal support to develop a plan to explore the need for broader changes to the Airports Rates and Charges policy. Due September 30, 2012

Activity Target 6:

Provide legal support to complete determination of all preliminary airport privatization proposals within 30 business days after initial submission. Due September 30, 2012

Activity Target 7:

Provide legal support to, within 30 business days of receiving airport privatization final administrative approval, send a notice to the Federal Register to initiate a 60 day public comment period. Due September 30, 2012

Core Measure: Planning & Programming Resources

By 2018, Airport Improvement Program (AIP) will: Reduce the improper use of funds through a robust risk-based grant administration and oversight process, be managed efficiently through timely obligations, reconciliations, and implement the AIP performance metric. As part of a three-year plan to reduce the average age of APP's Advisory Circulars to five (5) years and fundamentally restructure the Airport Improvement Program (AIP) Order, and a two-year process to update the Passenger Facility Charge (PFC) Order, we will complete all of the following activity targets in FY 2012.

Core Initiative: Reduce the Average Age of APP Advisory Circulars

As part of a three-year plan to reduce the average age of APP's Advisory Circulars to five (5) years or less by the end of FY 2014, complete four interim milestones in FY 2012.

Core Activity: Review, Update and Draft Advisory Circulars

Provide legal support to reduce the average age of APP's Advisory Circulars to five (5) years or less by the end of FY 2014, support the restructuring of the AIP Order, and update the PFC Order.

Activity Target 1:

Provide legal support to complete drafts and initiate the internal regional and Headquarters review process for at least two Advisory Circulars. Due September 30, 2012

Activity Target 2:

Following initial legal review by AGC, publish draft AIP handbook on FAA Airports website for public review. Due August 31, 2012

Core Measure: Flexible and Strategically Targeted Airport Capital Investment Program

As part of a three-year process to establish a strategic approach to supporting the nation's nonprimary airports through the Airport System Strategic Evaluation Task (ASSET) study, and in order to publish a fundamental rewrite of the NPIAS and ACIP Orders in FY 2013, in 2012 we will work with internal and external stakeholders to publish the National ASSET study final report and establish the structure of a new Order.

Core Initiative: Strategic Investment Plan for Nonprimary Airports

Implement a strategic investment plan for Nonprimary airports.

Core Activity: General Aviation Strategic Study

Provide legal support to establish a strategic approach to supporting the nation's nonprimary airports through the Airport System Strategic Evaluation Task (ASSET) study, and in order to publish a fundamental rewrite of the NPIAS and ACIP Orders in FY 2013.

Activity Target 1:

Provide legal advice, guidance and support to establish the structure of the new Order (combining the existing NPIAS and ACIP Orders, incorporating findings from the ASSET study). Due September 30, 2012

Core Measure: Enterprise Architecture and Technology Insertion

Implement and manage Enterprise Architecture and eGov technology insertion to meet FAA, DOT, and OMB requirements. In FY2012 update and submit the FAA Enterprise Architecture Roadmap to OMB and meet all special project IPv6 requirements and targets by August 31, 2012.

Core Initiative: Enterprise Architecture Conformance

Promote and manage enterprise architecture development and governance.

Core Activity: Enterprise Architecture (EA) Compliance

Enhance the FAA Enterprise Architecture to support IT Investment Management and Portfolio Management. Coordinate NAS and Non-NAS EA alignment where possible with common policy, procedures and tools.

Activity Target 1:

Provide Monthly review of LOB/SO EA repository/compliance questionnaire response and artifacts. Due September 30, 2012

Activity Target 2:

Provide assistance to load LOB/SO investment teams EA artifacts in the EA repository at each EA roadmap decision point. Due September 30, 2012

Core Activity: Enterprise Architecture (EA) Governance

Provide a Non-NAS Governance model and operational support for the development of architecture, configuration management, IT standards, and investment artifacts.

Activity Target 1:

Provide Quarterly Status of all investments for JRC program review packages at least three weeks prior to JRC schedule. Due September 30, 2012

Global Collaboration

In support of the FAA's objective of advancing global collaboration, 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 attorneys also prepare the U.S. position on matters before the International Civil Aviation Organization (ICAO) and provide legal policy guidance on registration of aircraft and recordation of property rights in aircraft.

Core Measure: International Legal Services

Provide legal services as required to FAA program offices responsible for promoting USG interests with other countries and international organizations, including (ICAO). Assist API in meeting work plan milestones. Complete legal sufficiency reviews within timeframes that meet defined client needs.

Core Initiative: 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 client offices with international legal issues through the provision of legal services. Provides legal services to ensure priorities of the Administrator, Destination 2025 and primary clients are met.

Core Activity: Promote USG Interests at the International Civil Aviation Organization (ICAO)

Provide legal assistance to FAA Program Offices on technical issues involving ICAO Standards and Recommended Practices. Serve as legal representatives at upcoming ICAO meetings, as necessary.

Activity Target 1:

Provide (i) legal support by reviewing ICAO initiatives, including proposals for new or revised standards and recommended practices; and (ii) legal assistance to FAA program offices in implementation of any new ICAO standards. Due September 30, 2012

Activity Target 2:

Provide legal input on USG positions for meetings in ICAO and other international organizations as necessary. Due September 30, 2012

Activity Target 3:

Serve as FAA legal clearance point for the Interagency Group on International Aviation (IGIA) by performing initial review and initial coordination of U.S. positions and strategies by the deadlines specified in a particular IGIA paper. Due September 30, 2012

Core Activity: International Aviation Safety Assessment Audits (IASAs)

Support the IASA program by (1) conducting legal assessment of the civil aviation laws, regulations, and enforcement systems of foreign aviation authorities for compliance with minimum international aviation safety standards established under the Convention on International Civil Aviation and (2) assisting the program office in development of policy for execution of the Administrator's responsibility for the safety of foreign air carriers.

Activity Target 1:

Support AFS-50 in scheduling and conducting IASA assessments, consultations, or final discussions, including the review of cables to foreign governments about IASA activities. Due September 30, 2012

Activity Target 2:

Participate in the development and presentation of IASA training program for legal and technical staff. Due September 30, 2012

Activity Target 3:

Participate in the development of IASA policies and procedures as requested by the program office Due September 30, 2012

Core Activity: Efficient Processing of International Aspects of Rulemakings

Provide legal counsel on international aspects of agency rulemaking projects.

Activity Target 1:

In coordination with AGC-200, monitor priorities for rulemakings with international implications. Due September 30, 2012

Activity Target 2:

Provide international legal support and guidance on regulations and rulemakings as needed by AGC-200. Due September 30, 2012

Core Activity: Technical Assistance

Provide legal technical assistance efforts to foreign aviation authorities, either independently or in conjunction with FAA program offices or other USG agencies or programs, including the DOT Safe Skies for Africa Program, in furtherance FAA international aviation safety objectives and to achieve global harmonization with ICAO standards. Provide legal advice, representation, international legal policy guidance and legal sufficiency reviews relating to international activities of aviation safety in a timely and responsive manner.

Activity Target 1:

Provide legal technical assistance to countries or regional organizations directed at achieving compliance with ICAO civil aviation standards for primary aviation law, regulations, enforcement systems, and related issues. Due September 30, 2012

Activity Target 2:

Support FAA program offices by (i) identifying priority countries for technical assistance, including technical reviews or the development of action plans for achieving compliance with international standards; and (ii) participating in technical reviews and action planning when deficiencies in the primary aviation law, regulations, or enforcement system are suspected or have been identified. Due September 30, 2012

Activity Target 3:

Provide legal review of FAA policies and procedures for providing technical assistance to foreign aviation authorities as needed. Due September 30, 2012

Core Activity: International Agreements

Provide legal counsel to business lines and staff offices for international activities to support agency objectives by providing advice on agreement strategies, review of international agreements, and legal coordination with necessary U.S. government agencies (particularly the U.S. Department of State). Participate in negotiations with foreign civil aviation authorities, air navigation service providers, and research and development organizations.

Activity Target 1:

Provide initial review of template-based technical assistance agreements for international activities within 15 working days of receipt in the legal office. Due September 30, 2012

Activity Target 2:

As necessary, develop and submit to the U.S. Department of State for clearance (i) new agreement templates; (ii) agreements designed to accomplish specific international objectives of the FAA that are not otherwise addressed in the standard templates; and (iii) draft Circular 175 packages. Due March 30, 2012

Activity Target 3:

Meet regularly with program offices to identify priorities, discuss the legal support necessary for agreements, and coordinate realistic strategies and timelines given the complexity and urgency of individual agreements. Due September 30, 2012

Activity Target 4:

Provide legal support for all agreements, annexes, or appendices for technical assistance, air navigation services, operational data sharing, research and development, and the transfer of oversight functions pursuant to Article 83 bis to the Chicago Convention. Due September 30, 2012

Activity Target 5:

Providing legal support to ATO Business Development Group in establishing and implementing a cost recovery system for ATO technical assistance. Due September 30, 2012

Activity Target 6:

Provide legal clearance and assistance to AIR and AFS in drafting and negotiation of international safety agreements, implementation procedures (IPs), or amendments to existing agreements or IPs. Due September 30, 2012

Core Activity: Emergency Operations/Crisis Response

Provide legal counsel to the Crisis Response Working Group (CRWG) and Crisis Response Steering Group (CRSG). Provide legal support to FAA's emergency operations planning and response efforts, including the continuity of operations (COOP) function.

Activity Target 1:

Provide legal assistance to, and participate as a member of, Crisis Response Working Groups and Crisis Response Steering Groups established for the purpose of responding to (i) potentially hostile threat situations; or (ii) natural or man-made disasters or crises. The assistance will include the legal review of, and guidance on, draft responses, plans, recommendations, and related documents within the timeframes dictated by the nature of the emergency and the response expected of the FAA. Due September 30, 2012

Activity Target 2:

Provide legal review of, and guidance on, the international aspects of draft NOTAMs, SFARs, responses to petitions for exemptions to SFARs, requests for approvals, and other related FAA actions to be taken in response to a particular event within the timeframes dictated by the nature of the event and the response expected of the FAA. Due September 30, 2012

Activity Target 3:

Provide legal review of, and guidance on, (i) interagency agreements and planning documents dealing with emergency response matters; and (ii) internal FAA and DOT emergency response policy

and planning documents within 30 days of receipt, or as specified by the requesting office or agency. Due September 30, 2012

Activity Target 4:

Assist in the planning of, and participate in, emergency operations exercises and any post-exercise review. Summarize AGC's participation as necessary in post-exercise reports. Due September 30, 2012

Activity Target 5:

Provide legal review of, and guidance on, (i) the development and implementation of FAA policies and procedures for responding to pandemics, including coordination with other AGC divisions as necessary; and (ii) pandemic response policies and plans submitted to the FAA by other USG agencies. Due September 30, 2012

Activity Target 6:

Lead AGC's work to (i) revise and expand its continuity of operations plan, coordinating with other AGC headquarters and regional elements, as necessary; (ii) provide legal review of, and guidance on, the development and implementation of FAA policies and procedures on continuity of operations, including coordination with other AGC divisions as necessary; and (iii) provide legal review of continuity of operations policies and plans submitted to the FAA by other USG agencies. Due September 30, 2012

Workplace of Choice

In support of the agency's objective of building and enhancing our high performance workforce, AGC continues to support the numerous agency-wide strategic initiatives and provide legal services in support of the administrative activity of the agency, including employment and labor law services, ethics counsel, FOIA and Privacy Act services, and legislative services. The largest legal practice group within this goal area is our employment law office. The employment law attorneys represent the agency before various administrative and federal courts and provide advice and guidance to the Administrator and primary client offices on personnel, labor, civil rights, equal employment opportunity matters. They also counsel on ways to minimize the legal risks relating to employment decisions and policy. Moreover, AGC have programmatic responsibility for administration and oversight of the agency's compliance with government-wide ethics requirements.

Core Measure: Managing EEOC Management Directive 715 (MD-715)

ACR will oversee the process for developing the Annual MD-715 EEO Plan and Monitoring Agency Accomplishments due to EEOC by January 31 of each year, unless granted an extension. ACR will conduct two mission critical occupation barrier analyses and collaborate with the LOB/SSO to provide recommendations and actions for improvement with regard to the barriers identified. ACR will also work toward eliminating a minimum of two agency deficiencies identified in the agency self-assessment to ensure compliance with MD 715.

Core Initiative: FAA Annual EEO Program Status Report

Oversee the process for developing the Annual MD-715 EEO Plan and Monitoring Agency Accomplishments.

Core Activity: Barrier Analysis

AGC will provide legal review and guidance at each targeted phase of the two barrier analyses in accordance with the established timeline.

Activity Target 1:

AGC will provide legal review and guidance to ACR as they analyze the prior year statistical demographic data for triggers that will narrow down the area of concentration for potential barriers. Due September 30, 2012

Activity Target 2:

AGC will provide legal review and guidance to ACR as they identify the two personnel practice or occupation to conduct barrier analysis. Due September 30, 2012

Activity Target 3:

AGC will provide legal review and guidance to ACR as they conduct the barrier analysis. Due September 30, 2012

Activity Target 4:

AGC will provide legal review and guidance to ACR as they collaborate with the LOB/SO the findings and provide guidance on developing actions to eliminate the barrier. Due September 30, 2012

Core Measure: Personnel & Labor Law Legal Services

Meet 100% of EEOC, MSPB, and federal court employment case deadlines.

Core Initiative: 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.

Core Activity: Legal Representation and Policy Advice

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.

Activity Target 1:

Meet 100% of EEOC, MSPB, and federal court employment case deadlines. Due September 15, 2012

Core Activity: Record Retention Obligations in Employment Litigation

Train managers on their responsibilities in ensuring proper record retention in employment actions, with emphasis on developments related to e. discovery.

Activity Target 1:

Establish Regional/Headquarters team to assess the training needs of FAA managers relating to record retention for employment actions. Due November 30, 2011

Activity Target 2:

Develop a training module to meet the identified training needs. Due March 31, 2012

Activity Target 3:

Develop training schedule and begin to provide training. Due July 30, 2012

Core Activity: Settling Employment Cases

Train managers on the best practices in exercising their responsibility in deciding whether to settle employment cases.

Activity Target 1:

Establish Regional and Headquarters team to identify training needs of managers deciding whether to settle employment cases. Due February 15, 2012

Activity Target 2:

Develop training modules to meet identified training needs. Due May 30, 2012

Activity Target 3:

Develop training schedule and begin to provide training. Due September 30, 2012

Activity Target 1:

Prepare appeal responses within 20 days of the receipt of a complete FOIA appeal package in 60 percent of the appeals. Due September 30, 2012

Core Activity: Legislative Legal Services

Provide timely legislative legal services.

Activity Target 1:

Issue request for technical assistance to affected FAA organizations within 24 hours of receipt by AGC-60, and issue the Agency response to the request with 24 hours of receipt of final coordination and clearance from politicals in 70% of requests for technical assistance. Due September 30, 2012

Activity Target 2:

Issue a schedule for hearing preparation within 48 hours of AGC-60 receipt of notice of the hearing 70% of the time. Due September 30, 2012

Activity Target 3:

Conduct principal witness preparation meetings no later than 3 days prior to the scheduled hearing date in more than 80% of scheduled hearings. Due September 30, 2012

Core Measure: General Legal Services & Other Legal Services

Meet client due dates 80% of the time.

Core Initiative: General Legal Services & Other Legal Services

Various small practice areas related to 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, and Alternative Dispute Resolution.

Activity Target 1:

Provide timely legal services relating to congressional relations, FOIA, Privacy Act, ADR, and related litigation. Due September 30, 2012

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, 2012

Activity Target 3:

Provide general legal services functions, and prepare the Administrator and other high level Agency official congressional testimony. Due September 30, 2012

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, 2011

Core Activity: Review of FOIA Appeals

Provide timely review of the appeal of initial FOIA decisions.

Core Measure: Information Technology Optimization

Continuously improve the agency's infrastructure and applications through cost efficiencies, as well as increased performance and improved quality. Improve enterprise business services related to records management, directives, and forms. Successfully meet all activity measures for infrastructure governance and operations; applications governance and operations; IT cost savings/optimization; and enterprise business services.

Core Initiative: Infrastructure Governance and Operations

Manage enterprise infrastructure operations to identify and remediate Personally Identified Information (PII), assure efficient FAA-wide video teleconferencing, reduce employee user-ids and passwords, and lead aeronautical adaptation collaboration services. Continue the implementation of enterprise infrastructure services within an FAA IT shared service delivery model.

Core Activity: Support FAA Electronic Stewardship Activities

Support the agency's electronic stewardship initiative by facilitating quantifiable progress towards electronic stewardship activities identified in the FAA Strategic

Sustainability Performance Plan (SSPP), as well as provide agency-wide data/metrics for various DOT/OMB/FEC reporting requirements.

Activity Target 1:

Support AIO in demonstrating quantifiable progress towards electronic stewardship activities in the FAA SSPP, as well as provide AIO with data/metrics for SSPP reporting purposes on an annual basis. Due September 30, 2012

Activity Target 2:

Provide LOB/SO data/metrics on a quarterly basis for the DOT regulatory review. Interim due dates: 12/31/11, 3/31/12, and 6/30/12. Due September 30, 2012

Activity Target 3:

Provide LOB/SO data/metrics biannually for the OMB scorecard: Interim due date: 6/30/12. Due September 30, 2012

Activity Target 4:

Provide LOB/SO data/metrics for reporting to the FEC. Due September 30, 2012

Activity Target 3:

Provide historical services within guidance provided by the Oversight Board. Due September 30, 2012

Core Measure: ATO Contracts and Quality Assurance Services

Implement process improvements and best practices to optimize and ensure ATO contracts are on-schedule and on-budget for major investment programs in FY 2012. The eFast team will award 75% of the complete PR packages with an IGCE under \$10M: within six weeks, the SE2020 program after the receipt of complete PR packages: will award 75% of new task orders within 45 calendar days, AJA-4A will complete a comprehensive review of 85% of new PR packages within seven calendar days after it was assigned by manager, and the EnRoute's Design and Build BOAs competitive orders will save a minimum of 10% from FAA's IGCE.

Core Initiative: Process Improvements for Contracting Services

Improve processes for contracting services to ensure acquisitions are on-schedule and on-budget in FY 2012.

Core Activity: Support Contracts and Quality Assurance Services

The Office of the Chief Counsel will provide 100% review of the contract planning documents, solicitation and related documents and modifications and related documents in accordance with the guidelines and thresholds set forth in AMS, within 10 days, on average, of receipt of complete packages.

Activity Target 1:

The Office of the Chief Counsel will review 100% of documents within 10 days, on average, of receipt of complete packages Due September 30, 2012

Activity Target 2:

The Office of the Chief Counsel will represent the Agency in all matters before ODRA meeting 100% of the deadlines imposed Due September 30, 2012

Core Measure: Acquisition Workforce Plan

Ensure FAA has the staffing and skill mix to successfully manage NextGen and other major acquisitions by implementing and annually updating FAA's Acquisition Workforce Plan and training, developing and certifying personnel in key acquisition disciplines. Publish annual

Core Measure: Library Services and FAA Historian

Provide law library research services within two weeks of request. Provide historical services within guidance provided by the Oversight Board.

Core Initiative: Library Services and FAA Historian

Provide library services and maintain FAA Historical Services to the Office of the Chief Counsel and Agency, as appropriate.

Core Activity: Library Services and FAA Historian

Provide library services and maintain FAA Historical Services to the Office of the Chief Counsel and Agency, as appropriate.

Activity Target 1:

Provide generally, law library research services within two weeks of request. Define and organize technical library services. Due September 30, 2012

Activity Target 2:

Obtain direction and guidance from oversight group in order to manage and maintain FAA Historical Services. Due September 30, 2012

update of FAA's Acquisition Workforce Plan by 30 September 2012. Track and analyze gains and losses and report to Acquisition Workforce Council monthly. Train, develop, and certify personnel in key acquisition disciplines, ensuring at least 95% of Acquisition Category (ACAT) 1 and 2 programs are managed by a level 3 certified program manager, 80% of Acquisition Category (ACAT) 3, 4, and 5 programs are managed by a program manager certified at Level II, and 80% of entry level contracting specialists achieve level 1 certification within 15 months of hire.

Core Initiative: Acquisition Workforce Planning and Development (CIP#:X01.00-00)

Ensure FAA has the staffing and skill mix to successfully manage NextGen and other major acquisitions by implementing and annually updating FAA's Acquisition Workforce Plan and training, developing, and certifying personnel in key acquisition disciplines.

Core Activity: Acquisition Training

Train, develop, and certify personnel in key acquisition disciplines to ensure FAA has sufficient numbers of skilled acquisition professionals (current and pipeline) to successfully manage acquisitions.

Activity Target 1:

Provide training to designated acquisition professionals on legal aspects of acquisition at all three service centers on at least three different acquisition topics. Due September 30, 2012

Activity Target 2:

The Office of the Chief Counsel will deliver acquisition training to designated COTR's and Contracting Officers (at all levels) at all three service centers on at least three different acquisition topics. Due September 30, 2012

Core Measure: 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.

Core Initiative: People with Targeted Disabilities Hires

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.

Core Activity: People with Targeted Disabilities Hiring

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.

Activity Target 1:

Report to ACR quarterly outlining actions taken to increase the workforce percentage of individuals with targeted disabilities. Due September 30, 2012

Activity Target 2:

Contribute to the DOT goal that 3 percent of all new hires are individuals with targeted (severe) disabilities by hiring one (1) person with a targeted disability. Due September 30, 2012

Core Measure: Cost Control

Organizations throughout the agency will continue to implement cost efficiency initiatives in FY 2012. The FY 2012 Target: 90 percent of targeted savings.

Core 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: ATO cost per controlled flight, AIP grants administration, staff office overhead rates, grievance processing time, and cost per accounting transaction.

Core Activity: AGC Efficiency Measure: Response Time to Public Requests for Interpretations

Implement measures to improve timeliness of responses to public requests for interpretations of FAA regulations. Target: Response within 120 days of receipt 60% of the time.

Activity Target 1:

Continue to report to ABA FY11 4th quarter results on response rate as percentage of requests within 120 days of receipt. Due October 31, 2011

Activity Target 2:

Continue to report to ABA quarterly on response rate as percentage of requests within 120 days of receipt. Due January 31, 2012

Activity Target 3:

Continue to report to ABA quarterly on response rate as percentage of requests within 120 days of receipt. Due April 30, 2012

Activity Target 4:

Continue to report to ABA quarterly on response rate as percentage of requests within 120 days of receipt. Due July 31, 2012

Activity Target 5:

Provide updated FY 2013 template for review and approval in time to be included in the FY 2013 Business Plan. Due May 31, 2012

Core Activity: AGC Efficiency Measure: Time to Process Enforcement Cases

Efficient Processing of Enforcement Cases. Target: First legal action is taken within 60 days of receipt by a legal counsel office 70% of the time.

Activity Target 1:

Report FY11 4th quarter results to ABA the percentage of legal enforcement cases. Due October 31, 2011

Activity Target 2:

Continue to report quarterly to ABA the percentage of legal enforcement cases. Due January 31, 2012

Activity Target 3:

Continue to report quarterly to ABA the percentage of legal enforcement cases. Due April 30, 2012

Activity Target 4:

Continue to report quarterly to ABA the percentage of legal enforcement cases. Due July 31, 2012

Activity Target 5:

Provide updated FY 2013 template for review and approval in time to be included in the FY 2013 Business Plan. Due May 31, 2012

Core Measure: 6.0 - Acquisition, Real Estate & Materiel Management

Execute 70% of the combination of FY12 expired leases and expiring cost leases as of Oct 1, 2011. Acquisition - ensure adherence to contract policy and law throughout the administration lifecycle. Real Estate - ensure adherence to real estate contracting policy and law throughout the property lifecycle - contract / lease management, inventories and disposal. Personal Property - ensures sound internal controls for the accountability and financial reporting of personal property.

Core Initiative: 6.4 Timely Disposition of Assets

Achieve timely disposition of assets by retiring 75% of disposed assets within 30 days from receipt of forms.

Core Activity: Legal Support for Timely Disposition of Assets

The Office of the Chief Counsel will assign a senior attorney and have designated attorneys in the regions and centers to facilitate the timely disposition of assets.

Activity Target 1:

90% of proposed real property dispositions will receive legal review within 10 days with 100% accuracy as determined by no successful challenges to disposition decisions Due September 30, 2012

Core Measure: Support Open Government Initiative

Support the Open Government Initiative to Streamline Service Delivery, Improve Customer Service (EO 13571), and leverage technology to increase productive collaboration with citizens, stakeholders and other government agencies by launching FAA.gov/mobile, including IdeaHub as a topic in at least two Town Hall or all-hands meetings, and using Twitter and Facebook to promote at least 3 FAA Safety related initiatives.

Core Initiative: Support Open Government Initiative

Support Open Government Initiative to make data available, improve on-line services and increase collaboration with citizens, stakeholders and government agencies by launching at least 2 data sets and/or social media sites to the public.

Core Activity: Support Open Government Initiative

Support the Open Government Initiative, the President's Executive Order on Customer Service and OMB's memo on Streamlining Service Delivery and Improving Customer Service in leveraging technology to make data available, improve web services efficiencies and increase collaboration with citizens, stakeholders and government agencies while reducing duplicative efforts.

Activity Target 1:

Update web strategy and action plans in writing to the FAA Web Manager and brief Web Council on the office plans. Due November 30, 2011

Activity Target 2:

Submit quarterly web progress reports to the FAA Web Manager. Due December 31, 2011

Activity Target 3:

Submit quarterly web progress reports to the FAA Web Manager. Due March 31, 2012

Activity Target 4:

Submit quarterly web progress reports to the FAA Web Manager. Due June 30, 2012

Activity Target 5:

Submit quarterly web progress reports to the FAA Web Manager. Due September 30, 2012

Activity Target 6:

Certify to the Administrator in writing that 95 percent or more of web pages comply with FAA web standards, policies, and requirements including those outlined in the FY-2012 Web Strategy and Action Plan. Due September 30, 2012

Activity Target 7:

Based on guidelines submitted by AOC, create short description content for each owned 2nd-level web page at faa.gov. Due September 30, 2012

Activity Target 8:

Identify and submit to AOC Web Management at least 1 areas of existing "evergreen" content, or timely content, that could be used in external or internal social media channel publication. Due March 31, 2012

Activity Target 9:

Identify and submit to AOC Web Management at least 1 areas of existing "evergreen" content, or timely content, that could be used in external or internal social media channel publication. Due September 30, 2012

Activity Target 10:

All headquarters and regional web points of contact complete at least 2 sessions of web-related training during the fiscal year. Due September 30, 2012

Core Measure: Alternative Dispute Resolution (ADR) Engagement

ACR in coordination with LOB/SO, will ensure that 30% of all EEO pre-complaint cases engage in the ADR process to reduce the number of formal EEO complaints.

Core Initiative: Alternative Dispute Resolution (ADR) Engagement

ACR in coordination with LOB/SOs will ensure that 30% of all EEO pre-complaint cases engage in the ADR process as a means by which to reduce FAA formal EEO complaints.

Core Activity: Alternative Dispute Resolution (ADR) Engagement

ACR in coordination with LOB/SOs will ensure that 30% of all EEO pre-complaint cases engage in the ADR process as a means by which to reduce FAA formal EEO complaints.

Activity Target 1:

ACR will provide AGC with a bi-annual report on their ADR participation. ACR will include best practices and suggestions on how to improve ADR participation. Due September 30, 2012

Activity Target 2:

AGC will agree to mediate 30% of those cases in which the employee agrees to mediate, as a means by which to reduce FAA formal EEO complaints. Due September 30, 2012

Core Measure: Personnel and Labor Law Legal Services

Respond to 80% of requests for opinions, advice, and training within 10 workdays.

Core Initiative: Legal Services in Labor and Personnel Law

Provide timely legal advice regarding employment policy matters. Respond to 80% of requests for opinions, advice, and training within 10 workdays.

Core Activity: FAA's Disciplinary System

Review best practices in modern disciplinary systems and assess the legal flexibility available to FAA to adopt the practices

Activity Target 1:

Establish Regional and Headquarters AGC/AHR Team to identify the best practices used in modern discipline systems. Due April 30, 2012

Activity Target 2:

Assess the legal flexibility available to FAA to adopt the best practices. Due July 30, 2012

Activity Target 3:

Develop a briefing package with recommendations for AGC-1 and AHR-1. Due September 30, 2012

