

# CHIEF COUNSEL

FEDERAL AVIATION ADMINISTRATION  
Fiscal Year 2004 Business Plan



800 Independence Avenue, SW  
Washington, DC 20591

[www.faa.gov](http://www.faa.gov)



# TABLE OF CONTENTS

INTRODUCTION.....	3
<b>INCREASED SAFETY .....</b>	<b>5</b>
AGC Objective 1: Implement a targeted enforcement program in coordination with AVR and ASH. ....	7
<b>GREATER CAPACITY .....</b>	<b>8</b>
AGC Objective 1: Slots Rulemaking .....	10
AGC Objective 2: Environmental Streamlining .....	11
<b>INTERNATIONAL LEADERSHIP.....</b>	<b>12</b>
Flight Plan Objective 1: Promote improved safety and regulatory oversight in cooperation with bilateral, regional, and multilateral aviation partners. ....	14
Flight Plan Objective 2: Promote seamless operations around the globe in cooperation with bilateral, regional, and multilateral aviation partners. ....	16
<b>ORGANIZATIONAL EXCELLENCE .....</b>	<b>17</b>
Flight Plan Objective 1: Make the organization more effective with stronger leadership, increased commitment of individual workers to fulfill organization-wide goals, and a better prepared, better trained, diverse workforce.....	19
Flight Plan Objective 2: Control costs while delivering quality customer service.....	22
Flight Plan Objective 3: Make decisions based on reliable data to improve our overall performance and customer satisfaction. ....	24
AGC Objective 1: Improve the rulemaking process.....	25
AGC Objective 2: Improve EEO complaint handling. ....	26
AGC Objective 3: Streamline review of financial disclosure forms. ....	27

## INTRODUCTION

The Federal Aviation Administration (FAA) is responsible for providing a safe and efficient aviation system that meets the needs of a wide range of customers and stakeholders.

Within the FAA, the Office of the Chief Counsel (AGC) has primary responsibility for furnishing legal services to the FAA Administrator and all Agency organizations worldwide. The principal areas of AGC's legal practice include: legislation, international affairs, enforcement, regulations, procurement, airports and environmental law, personnel and labor law, litigation, and general law applicable to the executive branch (such as Freedom of Information Act (FOIA) and Privacy Act compliance). Also within AGC, the Associate Chief Counsel for Alternate Dispute Resolution (ADR) is the FAA's Dispute Resolution Specialist and is responsible for implementing the provisions of the Administrative Dispute Resolution Act within the Agency. AGC attorneys represent the agency before a variety of forums, including the National Transportation Safety Board (NTSB), the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the FAA's Office of Dispute Resolution for Acquisition (ODRA), and 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.

AGC's practice areas and program responsibilities are integrally tied to the goals of the FAA's Flight Plan. In the safety arena, AGC shares program responsibility with several offices within FAA (including AVR, ASH and Airports) for the agency's enforcement policies and programs. AGC attorneys prosecute all manner of enforcement actions and represent the FAA on such matters before the NTSB, the FAA Decisionmaker, and the United States Court of Appeals. A major new objective for AGC in the next year will be to launch a targeted enforcement program in conjunction with AVR and ASH that will refocus our resources on cases that safety data indicate are truly significant towards reducing the risks of accidents, significantly speeding up the civil penalty and certificate actions which the agency prosecutes, and ensuring adherence to agency regulations while rewarding voluntary compliance efforts.

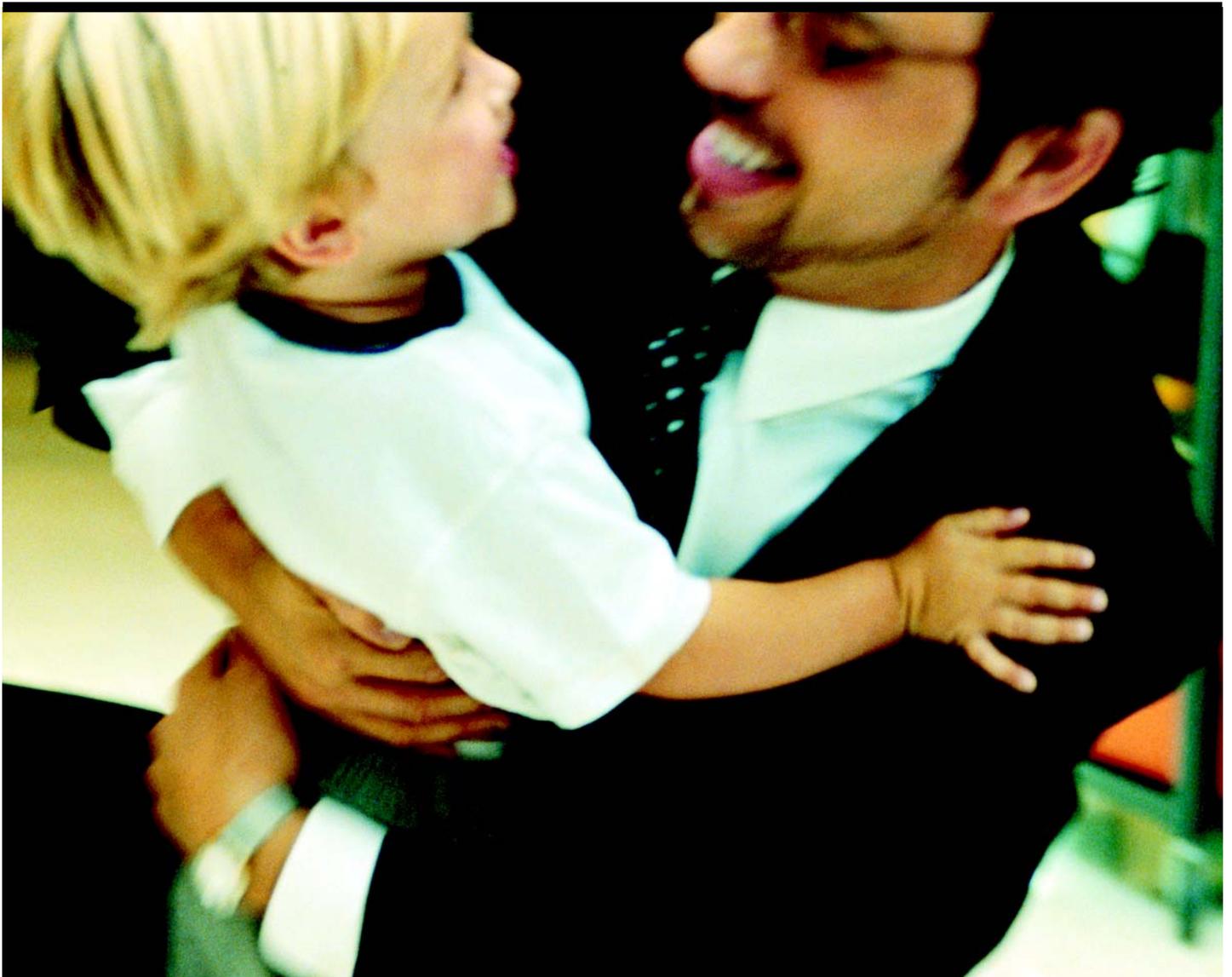
In the capacity arena, the Office of the Chief Counsel is responsible for the Slot Management Program and, as such, can help implement agency policy designed at relieving congestion at key airports as well as related competition goals of the Office of the Secretary of Transportation (OST). A major objective for AGC in the next year will be to initiate a rulemaking project that will correct deficiencies and remove inconsistencies in the existing slot regulations while positioning the Department for the sunset of certain provisions. Separately, AGC also plays a vital role in advising Airports and Air Traffic as to the legal and environmental implications of runway expansions, terminal improvements and the redesign of the national airspace. Next year AGC will be closely focused on achieving the goals of the President's environmental streamlining order. In the international arena, AGC develops 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's business plan has identified three main objectives in support of the agency's overall goal of achieving organizational excellence. First, AGC will assist the Office of Civil Rights and AHR in finding ways to reduce the burden that EEO complaints currently place on the Agency while complying with the letter and the spirit of the civil rights laws. Second, as the office with program responsibility for ethics, AGC will lead an effort to streamline the agency's compliance with Office of Government Ethics (OGE) requirements for financial disclosure forms, making greater use of automation and closely examining the necessity for confidential filing by nearly 30% of the agency's workforce. Third, working with AVR and building on existing reforms, AGC will examine ways to improve our rulemaking process so that the agency can clear up its backlog of pending rules and quickly issue non-significant rules.

AGC also has much work to do in achieving its own organizational excellence. The Office of the Chief Counsel AGC is a large, far-flung office, with 184 attorneys and 79 additional paralegals and professional support staff spread across eleven regional and center offices as well as the Washington Headquarters. The office has consistently lost resources over the years, and its reputation has declined. The business plan of AGC places a very heavy emphasis on the basics of law office management, calling for the centralized tracking of AGC's cases, electronic management of AGC's files,

reestablishment of a training/professional development program, use of performance management for personnel, significant improvements in the timeliness of AGC's response to client needs, and new quality control measures. Some of these initiatives may require additional resources, as well as the shifting of existing resources within the office.

# INCREASED SAFETY



## OVERVIEW

AGC contributes to the goal of increased safety through its prosecution of aviation safety enforcement cases. These efforts ensure that the agency's safety regulations are followed, thereby decreasing the potential for accidents and incidents in the U.S. aviation system. For FY04, AGC, in close coordination with AVR and ASH, will implement a targeted enforcement program that will apply more resources to the identification and prosecution of those cases that present the greatest risk to aviation safety.

This Office contributes to the following strategic Safety Objectives outlined in the FAA 2004-2008 Flight Plan:

**BUSINESS PLAN OBJECTIVE**

1. Implement a targeted enforcement program in conjunction with AVR and ASH.

A more detailed description of each Objective, including its supporting Initiatives and Performance Targets follows.

## **AGC OBJECTIVE 1: IMPLEMENT A TARGETED ENFORCEMENT PROGRAM IN COORDINATION WITH AVR AND ASH.**

AGC will develop, in coordination with AVR and ASH, an enforcement strategy that focuses limited resources on events that are likely to give rise to an accident.

### **FY04 PERFORMANCE TARGETS**

---

- By February 1, 2004, with AVR and ASH, complete a proposal for a targeted enforcement program.
- By September 30, 2004, implement targeted enforcement nationwide.

#### **AGC Initiative 1.**

Update the Compliance and Enforcement Program, FAA Order 2150.3A, including Appendix 4 (sanction guidance) and internal guidance.

#### *AGC Description*

- A. Updating this order will enhance communication about enforcement matters between headquarters and the regions/centers, and will address consistency in evaluating, prosecuting, and coordinating enforcement cases. This order will also identify a method for handling recurrent and less significant enforcement actions, as well as establish a policy for publicizing successful enforcement litigation.

*Performance Target This update will be completed by September 30, 2004.*

#### **AGC Initiative 2.**

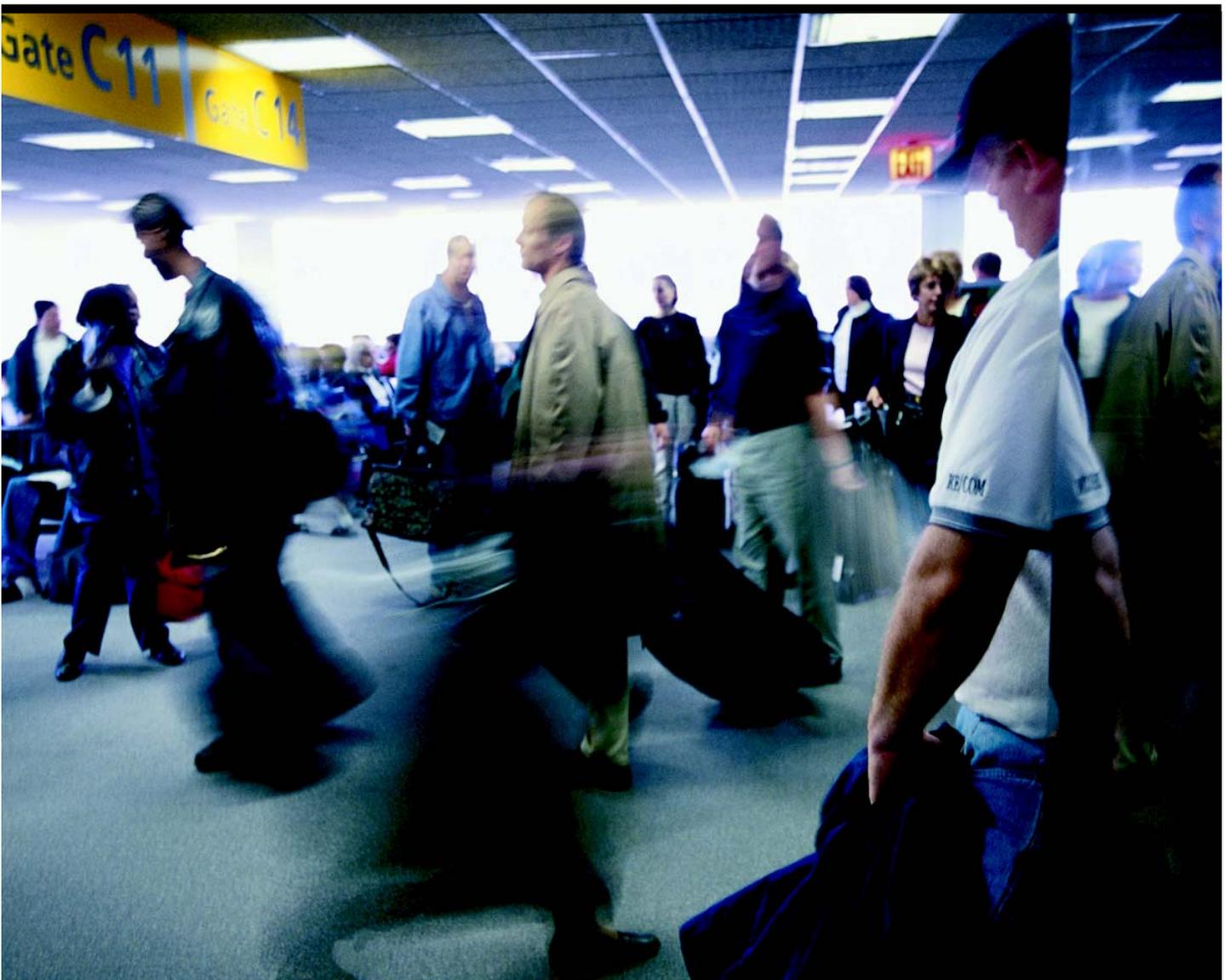
Reach global settlement of Airline Civil Penalty cases against air carriers for security violations.

#### *AGC Description*

- A. AGC will complete negotiations with air carrier representatives and develop a model settlement agreement to be used with individual carriers.

*Performance Target: Model agreement will be completed and provided to the individual carriers by November 30, 2003.*

# GREATER CAPACITY



## OVERVIEW

AGC's responsibility for the Slot Management Program gives the Office an important role in achieving the agency's overall capacity goals. AGC also provides strategic legal advice on airport and environmental law matters, including relationships with state governments. For FY04, AGC will support the Agency's goal for greater capacity by completing the Slots rulemaking and by streamlining the process for reviewing environmental law matters.

This Office contributes to the following strategic Greater Capacity Objectives outlined in the FAA 2004-2008 Flight Plan:

### BUSINESS PLAN OBJECTIVES

1. Slots Rulemaking
2. Environmental Streamlining

A more detailed description of each Objective, including its supporting Initiatives and Performance Targets follows.

## AGC OBJECTIVE 1: SLOTS RULEMAKING

### FY04 PERFORMANCE TARGETS

---

- Develop draft rule project record as program office (AGC) by February 28, 2004.
- Prepare draft Notice of Proposed Rulemaking for informal OST review by June 1, 2004.

#### AGC Initiative 1.

Prepare a draft Rule Project Record

##### *AGC Description*

- A. AGC will initiate a rulemaking project, with OST input. The rule project record will be supported by a detailed outline of proposed topics for rulemaking, and will address whether airport-initiated demand management will be part of this approach.

*Performance Target: Initiate a rulemaking project by February 28, 2004*

#### AGC Initiative 1.

Deliver draft Notice of Proposed Rulemaking

##### *AGC Description*

- A. AGC will deliver a draft Notice of Proposed Rulemaking to OST for their informal review.

*Performance Target: Deliver draft rulemaking notice by June 1, 2004.*

## AGC OBJECTIVE 2: ENVIRONMENTAL STREAMLINING

Environmental reviews and approvals associated with capacity enhancements can be a lengthy process. AGC will lead an effort to assess the process of environmental reviews and approvals with respect to capacity-enhancing projects, and then report its findings to Agency employees with suggestions for improvements. AGC will also increase its environmental law capacity (hiring environmental attorneys whose positions were created by AIP funding in 2003) and expedite the process for obtaining reviews and approvals of environmental issues for airport development projects.

### FY04 PERFORMANCE TARGETS

---

- Hire and train new AIP-funded environmental attorneys by March 31, 2004.
- Develop timelines for completing legal reviews of environmental issues by November 30, 2003.

#### AGC Initiative 1.

Hire and train new environmental attorneys.

##### *AGC Activity*

- A. AGC will complete its hiring of at least thirteen (13) environmental attorneys (four (4) at headquarters, nine (9) in the regions).

*Performance Target: This will be completed by December 31, 2003.*

- B. AGC will train its new and environmental attorneys within 6 months of their starting employment.

*Performance Target This will be completed by March 31, 2004.*

#### AGC Initiative 2.

Expedite the process for legal reviews of environmental issues.

##### *AGC Description*

- A. AGC will develop and implement specific timelines for completing legal reviews of environmental issues. These will cover, for example, reviews of environmental assessments and environmental impact statements.

*Performance Target: This timeline will be completed by November 30, 2003.*

# INTERNATIONAL LEADERSHIP



## OVERVIEW

AGC plays a key role in supporting the Agency's Flight Plan initiatives in the International area. For FY04, AGC will provide civil aviation legal technical assistance to other countries; develop a database of aviation technologies to better assess their export control status; and lead the implementation process for the Cape Town treaty. All of these activities help to ensure that the Agency is regarded as a leader in the international arena.

This Office contributes to the following strategic International Leadership Objectives outlined in the FAA 2004-2008 Flight Plan:

### FLIGHT PLAN OBJECTIVES

1. Promote improved safety and regulatory oversight in cooperation with bilateral, regional, and multilateral aviation partners.
2. Promote seamless operations around the globe in cooperation with bilateral, regional, and multilateral aviation partners.

A more detailed description of each Objective, including its supporting Initiatives and Performance Targets follows.

# FLIGHT PLAN OBJECTIVE 1: PROMOTE IMPROVED SAFETY AND REGULATORY OVERSIGHT IN COOPERATION WITH BILATERAL, REGIONAL, AND MULTILATERAL AVIATION PARTNERS.

## **FY04 PERFORMANCE TARGETS**

- Provide new or expanded technical assistance and training to 6 key countries or regional authorities.
- Conclude new bilateral agreements recognizing safety certification and approval systems with 2 key countries or regional authorities.
- Secure a 20% increase, over FY 2003 levels, in intellectual and financial assistance for international aviation activities from the United States and international government organizations, multilateral banks, and industry.
- No new regional aviation authorities or organizations created in FY04. Activities are occurring to establish regional aviation authorities in FY05 and beyond.

### **Flight Plan Initiative 1. (AGC Support)**

Focus political, technical, and financial resources to provide training and technical assistance to help foreign civil aviation meet international standards.

#### *AGC Activity*

- A. Broaden the use of letters of credit to facilitate third party financing of aviation technical assistance.

*Performance Target: Update internal guidance on letters of credit and train desk officers and international staffs by January 31, 2004.*

- B. Provide civil aviation legal technical assistance directly to Safe Skies for Africa (SSFA) countries (Senegal, Uganda, Nigeria and Kenya) to assist them with meeting ICAO safety standards and recommended practice.

*Performance Target: Complete legal technical assistance to at least two of these countries by September 30, 2004.*

### **Flight Plan Initiative 2.**

Work with the European Community, primarily through EASA, to ensure the highest level of safety and a more efficient exchange of products between the United States and Europe.

#### *AGC Description*

- A. Provide legal advice to the FAA organizations negotiating the framework agreement, and review and pass upon the legal implications of the resulting agreements.

*Performance Target: By September 30, 2004, have a legally acceptable agreement in place between the US and the European Commission (EC) by which the FAA and the EC, with the European Aviation Safety Agency (EASA) can operate on a new basis that simplifies, and reduced redundancies of mutual aviation safety functions between the FAA and European authorities. This target depends heavily upon the pace of negotiations between the FAA and the EC, which depends upon conditions in Europe as the EC safety function evolves.*

### **Flight Plan Initiative 3. (AGC Supports)**

Set priorities and focus FAA and U.S. resources on finalizing bilateral agreements that recognize safety certification and approval systems.

#### *AGC Description & Activity*

Support the FAA's effort to identify potential partners for a Bilateral Aviation Safety Agreement (BASA) and to conclude two such agreements in the coming year. Specifically, AGC will:

- A. Provide a written, comprehensive legal review of the aviation laws and safety oversight structures of potential BASA partners identified by AVR.

*Performance Target: This will be completed by September 30, 2004.*

- B. Assist AVR and the Department of State in the negotiation of two BASAs and related implementing procedures by providing a written, comprehensive legal background paper in connection with the negotiations.

*Performance Target: This will be completed by September 30, 2004.*

#### Flight Plan Initiative 4. (AGC Supports)

Focus resources to promote global compliance with safety oversight standards by supporting new and existing regional aviation authorities and organizations.

##### *AGC Description*

- A. Provide legal support to encourage development of regional civil aviation authorities (RCAAs) to enhance safety oversight, encourage economies of scale, and promote standardization. Specifically, complete review and analysis of law and regulations for the Central American Organization (ASCA), the Caribbean Community (CARICOM) Member States (with cross-regional legal initiatives for the CARICOM Regional Aviation Safety Oversight Program (RASOS), and the South Pacific organization (PASO).

*Performance Target: The review and analysis will be completed by September 30, 2004.*

#### AGC Initiative 1.

Develop and revise standard documents applicable for international arrangements.

##### *AGC Activity*

- A. Revise, coordinate and obtain clearance for technical assistance agreement templates.

*Performance Target: This will be completed by September 30, 2004.*

- B. Develop effective, rational, and fiscally responsible billing process for reimbursable technical assistance agreements in conjunction with AIA.

*Performance Target: This will be completed by September 30, 2004.*

- C. Revise the template for research and development Memorandums of Cooperation.

*Performance Target: This will be completed by September 30, 2004.*

#### AGC Initiative 2.

Develop an Export Control Database

##### *AGC Description*

- A. Develop a database of aviation and National Airspace System technologies and their respective export control status to aid in determining in no more than 7 days what U.S. technologies a foreign national may see, obtain access, or be trained on, or otherwise shared with foreign nationals or entities.

*Performance Target: Complete a beta version by September 30, 2004.*

## **FLIGHT PLAN OBJECTIVE 2: PROMOTE SEAMLESS OPERATIONS AROUND THE GLOBE IN COOPERATION WITH BILATERAL, REGIONAL, AND MULTILATERAL AVIATION PARTNERS.**

### **FY04 PERFORMANCE TARGETS**

---

Achieve all milestones in FY 2004 on time.

#### **Flight Plan Initiative 1.**

Lead the implementation process for the Cape Town Treaty, which establishes an international registry for recording security interests in aircraft.

#### *AGC Activity*

- A. Brief Congressional staff and industry partners on this issue.

*Performance Target: This will be completed by December 31, 2003.*

- B. Develop a strategy for informing as many states as possible of the treaty.

*Performance Target: This will be completed by January 31, 2004.*

# ORGANIZATIONAL EXCELLENCE



## OVERVIEW

AGC must become a much more closely managed organization with an organizational structure that allows it to respond to the Agency's priorities as articulated in the Agency's Flight Plan. The Office of the Chief Counsel lags behind comparably sized (175-attorney) private and public legal departments in its core management capabilities. AGC today lacks a centralized computer-based system for managing client matters, generating recurrent pleadings or filing documents; has no capability to track resources spent on individual cases and thus to judge its cost-effectiveness; offers little (if any) recurrent training to its attorneys, paralegals and staff support; does not pay adequate attention to professional development and performance management; has no formal, consistent quality control measures; does no succession planning and, under current budgetary constraints, engages in limited recruiting; and does not place an emphasis on intra-office communication. AGC's many initiatives in the organizational area align with the Agency's Flight Plan objectives. As additional objectives in supporting the agency's overall goal of organizational excellence, AGC will take steps to improve Agency's rulemaking process, EEO complaint handling, and to streamline the requirements for FAA employees to file Office of Government Ethics financial disclosure forms.

This Office contributes to the following strategic Organizational Excellence Objectives outlined in the FAA 2004-2008 Flight Plan:

### ORGANIZATIONAL EXCELLENCE OBJECTIVES

1. Make the organization more effective with stronger leadership, increased commitment of individual workers to fulfill organization-wide goals, and a better prepared, better trained, diverse workforce.
2. Control costs while delivering quality customer service.
3. Make decisions based on reliable data to improve our overall performance and customer satisfaction.

### BUSINESS OBJECTIVES

1. Improve the rulemaking process.
2. Improve EEO complaint handling.
3. Streamline requirements for filing financial disclosure forms.

A more detailed description of each Objective, including its supporting Initiatives and Performance Targets follows.

# FLIGHT PLAN OBJECTIVE 1: MAKE THE ORGANIZATION MORE EFFECTIVE WITH STRONGER LEADERSHIP, INCREASED COMMITMENT OF INDIVIDUAL WORKERS TO FULFILL ORGANIZATION-WIDE GOALS, AND A BETTER PREPARED, BETTER TRAINED, DIVERSE WORKFORCE.

## **FY04 PERFORMANCE TARGETS**

- Directly relate 80% of all employee performance plans to FAA strategic goals and their organization's performance plans.
- Reduce the time it takes to hire mission critical positions by 3% over the FY2003 baseline.

### **Flight Plan Initiative 1. (AGC Supports)**

Implement an executive development program.

#### *AGC Description*

- A. Our top executives will help guide corporate leadership development policies, processes, and programs and will hold their subordinate managers accountable for implementation. They will set an example by personally engaging in ongoing learning activities and will ensure their subordinate managers do likewise. Senior AGC managers and executives will serve as mentors, presenters, and advisors in executive development activities.

*Performance Target: TBD with further information from AHR.*

### **Flight Plan Initiative 2. (AGC Supports)**

Put in place a management workforce planning and development program.

#### *AGC Description*

- A. Our top executives will help guide corporate leadership development policies, processes, and programs and will hold their subordinate managers accountable for implementation. They will set an example by personally engaging in ongoing learning activities and will ensure their subordinate managers do likewise. Senior AGC managers and executives will serve as mentors, presenters, and advisors in management development activities.

*Performance Target: TBD with further information from AHR.*

### **Flight Plan Initiative 3. (AGC Supports)**

Undertake a timely and effective approach to conflict management.

#### *AGC Description*

- A. Pending guidance regarding specific requirements, we commit to supporting the accomplishment of this corporate initiative.

*Performance Target: TBD with further information from AHR.*

### **Flight Plan Initiative 4. (AGC Supports)**

Implement the new Performance Management System for all employees.

#### *AGC Description*

- A. For employees not yet under PMS, we will identify specific steps to resolve impediments and begin implementation, including training for employees and managers.

*Performance Target: TBD with further information from AHR.*

### **Flight Plan Initiative 5. (AGC Supports)**

Directly link all employee performance plans to FAA strategic goals and line of business and staff office performance plans.

#### *AGC Description*

- A. We will track the percentage of employees with performance plans in place, and the percentage of performance plans that are directly linked to agency strategic goals and organizational performance plans.

*Performance Target: TBD with further information from AHR.*

### **Flight Plan Initiative 6. (AGC Supports)**

Put in place a corporate and employee training and development program.

### AGC Activity & Description

Establish a formal training and professional development program for attorneys, paralegals and support staff to improve the quality of AGC's services.

- A. Devote a position within AGC to take charge of training and attorney/paralegal/support staff development. This individual would be responsible for (among other things) developing a training (orientation) session for new AGC employees, and identifying regular training opportunities for attorneys, paralegals and support staff.

*Performance Target: This position will be filled by June 30, 2004.*

- B. Offer a curriculum of management training to boost productivity (e.g. conflict management and communication skills, ADR advocacy skills, time management).

*Performance Target: Seventy-five (75) percent of AGC attorneys will have completed one management course by September 30, 2004.*

### Flight Plan Initiative 7. (AGC Supports)

Implement corporate recruitment initiatives.

#### AGC Description

- A. We will support this recruitment initiative.

*Performance Target: TBD with further information from AHR.*

### AGC Initiative 1.

Implement corporate recruitment initiatives.

#### AGC Activity

- A. AGC will develop a recruitment program to attract new and experienced attorneys and paralegals.

*Performance Target: This program will be developed by February 15, 2004.*

- B. AGC will increase the number of paralegals within AGC.

*Performance Target: At least 50% of AGC new hires in FY 04 will be paralegals.*

### AGC Initiative 2.

Ensure that AGC has the right and most effective organizational structure in place to best meet the Agency's needs.

#### AGC Activity

- A. Establish and hire an Assistant Chief Counsel for Administration. Working with existing personnel (AGC-10) this position will report directly to the Chief Counsel and will have overall responsibility for the Office's management initiatives in the areas of training, matter and file tracking, IT and system development, performance and personnel management, quality control, financial performance, and managing and updating AGC's web site.

*Performance Target: This position will be filled by December 31, 2003.*

- B. Establish defined career paths for attorneys and support staff that will be distributed to all AGC employees.

*Performance Target: A plan that outlines this will be completed by March 31, 2004.*

- C. Develop retirement and succession planning for key positions within AGC, including all Assistant Chief Counsel and Regional Counsel positions, as well as others to be identified.

*Performance Target: This will be completed by March 31, 2004.*

### AGC Initiative 3.

Attract and retain the right number and mix of attorneys and support staff to best meet the agency's needs.

#### AGC Activity

- A. Increase the use of internship and cooperative/sharing programs to reduce office workload and cultivate future AGC employees.

*Performance Target: Have at least 5 interns at HQ and 1 in each region/center by June 30, 2004.*

- B. Implement a formal rotational program for AGC attorneys. The program will be designed to allow attorneys to experience different practice areas within AGC and to improve their general knowledge of the diverse legal matters AGC handles.

*Performance Target: This program will be established by April 30, 2004.*

#### **AGC Initiative 4.**

Develop an evaluation system which makes use of incentives and appropriate recognition to reward outstanding performance.

##### *AGC Activity*

- A. Develop a formal Employee Recognition and Rewards Program.

*Performance Target: Program will be developed by January 31, 2004.*

- B. Review current performance evaluation system. Create uniform performance management system focusing on legal professionals with clear criteria, measurable and concrete objectives that are relevant to the practice of law at a federal agency.

*Performance Target: This review will be completed by February 28, 2004.*

#### **AGC Initiative 5.**

Improve the overall level of communication within AGC.

##### *AGC Activity*

- A. Hold a Counsel's conference at least annually.

*Performance Target: Hold the next counsel's conference by September 30, 2004.*

- B. Hold all hands meetings on a monthly basis.

*Performance Target: These will be held monthly beginning on October 21, 2003.*

- C. Develop a program for substantive conferences in each of the major areas (i.e. airports/environmental, enforcement, litigation, international, etc.).

*Performance Target: This program will be developed by January 31, 2004.*

## FLIGHT PLAN OBJECTIVE 2: CONTROL COSTS WHILE DELIVERING QUALITY CUSTOMER SERVICE.

### FY04 PERFORMANCE TARGETS

- Secure 10% of the unfunded portion of the strategic plan through budget requests, reprioritization, and cost savings.
- Complete the closeout of 100% (FY 2001) baseline of cost reimbursable contracts by the end of FY 2004 and maintain timely closure of future contracts.

### Flight Plan Initiative 1. (AGC Supports)

Put in place an agency-wide cost control program using CAS and LDR, including:

- An executive level review process.
- Identification of cross-organizational initiatives focused on controlling operations costs starting with information technology (IT) expenditures. Savings identified will be used to fund unfunded aspects of the Flight Plan.
- A program to create incentives for FAA organizations to identify and implement cost savings initiatives.

#### AGC Description & Activity

AGC will establish programs to ascertain how AGC allocates its professional resources and identify ways to focus those resources on the work that is most important to the Agency. This will result in gained efficiencies.

- A. Establish a task force to determine the most effective way to utilize AGC resources.

*Performance Target: A task force will be formed by November 30, 2003.*

- B. This committee will report on its recommendations.

*Performance Target: This report will be completed by April 1, 2004.*

### AGC Initiative 1.

Institute processes to ensure a consistent, high quality of AGC's outgoing work.

#### AGC Activity

- A. Design and implement an audit (quality assurance) program for AGC functions.

*Performance Target This audit will be completed by June 30, 2004.*

### AGC Initiative 2.

Enhance AGC's substantive labor law capability to better service the Agency's needs.

#### AGC Activity

- A. Increase attorney resources engaged in labor law matters.

*Performance Target: AGC will hire at least two attorneys into its labor law practice area within two months of authority to hire.*

- B. AGC will provide training to attorneys involved in labor law matters.

*Performance Target: AGC will train its labor attorneys by April 30, 2003.*

### AGC Initiative 3.

Materially improve the timeliness of AGC's handling of cases and other matters for legal review.

#### AGC Activity

- A. AGC will form a task force to establish timelines for the handling of matters for legal review.

*Performance Target: This task force will be formed by November 30, 2003*

- B. The task force will finalize timelines for each practice area and regional office.

*Performance Target: These timelines will be finalized by April 1, 2004.*

### AGC Initiative 4.

Increase the use of Alternate Dispute Resolution (ADR) techniques to resolve matters, and provide training opportunities and access to resources about ADR.

#### AGC Activity

- A. Examine the potential for the use of ADR techniques and case management, with respect to all areas of AGC practice.

*Performance Target: Specific recommendations for using ADR in AGC practice areas (e.g., enforcement, rulemakings, litigation) will be developed by June 30, 2004.*

- B. In collaboration with AHR, explore the potential for developing a Conflict Management Training Institute at CMD. The Institute would provide FAA managers and supervisors with the skills they need to help them effectively manage conflict.

*Performance Target: A feasibility study for developing the Institute will be completed by April 30, 2004.*

## FLIGHT PLAN OBJECTIVE 3: MAKE DECISIONS BASED ON RELIABLE DATA TO IMPROVE OUR OVERALL PERFORMANCE AND CUSTOMER SATISFACTION.

### FY04 PERFORMANCE TARGETS

- Achieve 80% of the designated milestones and maintain 80% of critical program costs within 10% of the total as established in the CIP.
- Achieve 90% of all performance targets in the Flight Plan. Achieve 30 or more of the 33 performance targets in FY 2004.
- Increase customer satisfaction scores on the American Consumer Satisfaction Index to 63.
- Achieve 90% of the milestones for the agency information security plan.

#### AGC Initiative 1.

Establish a uniform matter management/central tracking system for AGC cases and projects.

##### AGC Activity

- A. Establish a task force for this purpose.

*Performance Target: This task force will be in place by November 30, 2003.*

- B. The task force will conduct and report the results of a market survey and make recommendations on the type of system (features and capabilities) to be installed by AGC.

*Performance Target: Recommendations will be submitted by March 1, 2004.*

#### AGC Initiative 2.

Institute electronic file management to allow for the easy retrieval of all documents.

##### AGC Activity

- A. Establish a task force for this purpose.

*Performance Target: This task force will be in place by November 30, 2003.*

- B. The task force will conduct and report the results of a market survey and make recommendations on the type of system (features and capabilities) to be installed by AGC.

*Performance Target: Recommendations will be submitted by March 1, 2004.*

#### AGC Initiative 3.

Use automation to standardize and automatically generate standard documents for AGC substantive practice areas (i.e., procurement, enforcement, environmental).

##### AGC Activity

- A. Establish a task force for this purpose, to be comprised of representatives from each of the substantive practice areas within AGC.

*Performance Target: This task force will be in place by November 30, 2003.*

- B. An initial index of standard documents and copies will be developed and made available for review to the appropriate Regional, Center, Associate and Assistant Chief Counsels.

*Performance Target: This effort will be completed by June 30, 2004.*

## AGC OBJECTIVE 1: IMPROVE THE RULEMAKING PROCESS.

AGC, in coordination with Office of Rulemaking (ARM), will contribute to the improvement of the rulemaking process so that the agency can more effectively address the backlog of pending rules and also issue simple non-significant rule revisions without delay.

### **FY04 PERFORMANCE TARGETS**

- Review efforts to reengineer the rulemaking process by September 30, 2004.
- Formalize an abbreviated rulemaking process for simple rule revisions by March 31, 2004.
- Develop a method for AGC distributing lessons learned from rulemaking projects by February 28, 2004.

#### **AGC Initiative 1.**

Review efforts to reengineer the rulemaking process.

##### *AGC Description*

- A. In coordination with ARM, AGC will review efforts to reengineer the rulemaking process to see how well reengineering recommendations have been implemented and to address unimplemented items, as well as other improvements.

*Performance Target: The review will be completed by September 30, 2004.*

#### **AGC Initiative 2.**

Develop an abbreviated rulemaking process.

##### *AGC Description*

- A. AGC will propose and help develop an effort to institute a separate track for short, simple (non-significant) rules. Specifically, AGC will obtain approval from the Rulemaking Management Council for an abbreviated rulemaking process for these rule changes.

*Performance Target: Approval will be obtained by March 31, 2004.*

#### **AGC Initiative 3.**

Develop lessons learned from rulemaking projects.

##### *AGC Description*

- A. AGC will develop a computer accessible system to ensure systematic distribution of AGC advice resulting from lessons learned from rulemaking projects.

*Performance Target: Initiate distribution by February 28, 2004.*

## AGC OBJECTIVE 2: IMPROVE EEO COMPLAINT HANDLING.

AGC will assist the Office of Civil Rights and AHR in finding ways to reduce the burden that EEO complaints currently place on the agency while complying with the letter and the spirit of the civil rights laws and regulations.

### **FY04 PERFORMANCE TARGETS**

---

- Develop a Best Practices Manual for representing the agency in EEO cases by May 31, 2004.
- Develop settlement guidance for EEO cases by March 31, 2004.

#### **AGC Initiative 1.**

Convene a Headquarters and multi-regional task force to find ways to reduce the burden that EEO complaints currently place on the Agency.

#### *AGC Activity*

- A. The task force will assess the current status of the EEO problem. This assessment will include, for example: how much money does the Agency spend on EEO cases; what is the primary cause of the cases; how are they settled.

*Performance Target: This assessment will be complete by February 27, 2004.*

- B. The task force will develop settlement guidance for EEO cases. This guidance will be directed to managers FAA-wide and will, for example, identify sign-off authority based on the monetary level involved and/or other factors.

*Performance Target: The guidance will be completed by March 31, 2004.*

- C. The task force will develop an Office-wide Best Practices Manual for representing the Agency in EEO cases. This manual would identify standard operating procedures (SOPs) for attorneys to use at the administrative and court levels. The SOPs would include criteria to be used by AGC managers in categorizing the level of difficulty of EEO cases. This will assist in directing the appropriate level of resources to the cases, and once a good case management system exists in AGC, allow better analysis of resource needs.

*Performance Target: AGC will develop this manual by May 31, 2004.*

## **AGC OBJECTIVE 3: STREAMLINE REVIEW OF FINANCIAL DISCLOSURE FORMS.**

### **FY04 PERFORMANCE TARGETS**

---

Develop recommendations to streamline the review of financial disclosure forms by March 31, 2004.

#### **AGC Initiative 1.**

Streamline the review and collection of financial disclosure forms.

#### *AGC Activity*

A. Today, more than 25% of the agency's employees must file confidential (or public) financial disclosure forms. AGC will lead the effort to develop specific recommendations as to how best to streamline the collection and review of the Office of Government Ethics (OGE) Standard Form-450s agency-wide.

*Performance Target: AGC will report on its recommendations by March 31, 2004.*