

**MEMORANDUM OF UNDERSTANDING  
AMONG THE  
DEPARTMENT OF TRANSPORTATION,  
DEPARTMENT OF COMMERCE,  
DEPARTMENT OF DEFENSE,  
DEPARTMENT OF HOMELAND SECURITY AND  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM  
JOINT PLANNING AND DEVELOPMENT**

## **I. INTRODUCTION**

The U.S. air transportation system is confronting unprecedented challenges posed by demand outpacing capacity, operating and maintenance costs outpacing revenues, new dynamic security requirements significantly impacting costs and the efficient movement of passengers and cargo, and growth provoking community concerns over aviation's impact on community noise, local air quality, and water runoff. Today, federal responsibility for various aspects of the air transportation system is dispersed among several agencies, each with its own program responsibilities, policy priorities, and budgets. To meet U.S. civil aviation, national defense, and homeland security challenges, a national, transformational effort is required that aligns and integrates the air transportation-related missions, strategic visions, and activities of these agencies.

To this end, Vision 100 – Century of Aviation Reauthorization Act (Pub.L. 108-176) (the Act) established a charter to transform the U.S. air transportation system into the Next Generation Air Transportation System by the year 2025. The Act tasked the parties to this agreement to lead this transformational effort.

## **II. PURPOSE**

This Memorandum of Understanding (MOU) constitutes the formal agreement among the Department of Transportation (DOT), the Department of Commerce (DOC), the Department of Defense (DoD), the Department of Homeland Security (DHS), and the National Aeronautics and Space Administration (NASA), hereafter referred to collectively as the “Agencies,” to implement the congressionally mandated Next Generation Air Transportation System Joint Planning and Development Office (JPDO) pursuant to the Act.

## **III. AUTHORITY**

This MOU implements the Act and the National Integrated Plan, required by the Act, to which the Agencies have agreed. In addition to the authority in the Act, each of the Agencies has the statutory authority to enter into and implement its responsibilities under this MOU, as follows:

- DOT enters into this agreement pursuant to its authority under 49 U.S.C. § 301 and § 322(c).

- The Federal Aviation Administration (FAA) will implement its responsibilities pursuant to its authority under 49 U.S.C. §§ 106(1)(6), (m), and § 40121(c)(2).
- DOC enters into this agreement pursuant to its authority under 15 U.S.C. § 313 and 49 U.S.C. § 44720.
- DoD enters into this agreement pursuant to its authority under 10 U.S.C. § 113, § 133, § 134b, and § 2514.
- DHS enters into this agreement pursuant to its authority under 6 U.S.C. § 112 and § 710 of P. L. 108-176.
- NASA enters into this agreement pursuant to its authority under the National Aeronautics and Space Act of 1958, § 203 (c)(5) and (c)(6) [42 U.S.C. § 2473 (c)(5) and (c)(6)].

#### **IV. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING & DEVELOPMENT OFFICE AND SENIOR POLICY COMMITTEE OBJECTIVES AND ORGANIZATION**

##### *A. Next Generation Air Transportation System Initiative and Organization*

Section 709 of the Act requires the Secretary of Transportation to establish the JPDO within the FAA to “manage work related to the Next Generation Air Transportation System.” The Federal Government will satisfy this requirement through a multiagency initiative that has as its goal the transformation of the air transportation system to meet the long-term needs of the United States (the Next Generation Air Transportation System). Participants in the Next Generation Air Transportation System initiative shall integrate planning and align policy and programs across the Agencies toward national air transportation system goals.

##### *B. Next Generation Air Transportation System Organization*

The initiative will be led by three key organizations: the Senior Policy Committee (SPC), the JPDO Board, and the JPDO, in cooperation with the Agencies’ implementing organizations.

###### 1. Senior Policy Committee

The SPC shall guide the Next Generation Air Transportation System initiative by developing goals and policy, approving plans, aligning the resources of the Agencies, and ensuring senior aviation stakeholder participation. Under the authority of section 710 of the Act, the Secretary of Transportation shall chair the SPC, which shall be composed of the following (or their designees):

- The Administrator of the Federal Aviation Administration
- The Administrator of the National Aeronautics and Space Administration
- The Secretary of Defense
- The Secretary of Homeland Security

- The Secretary of Commerce
- The Director of the Office of Science and Technology Policy
- Designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system

The SPC shall:

- a) Advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs.
- b) Provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System JPDO.
- c) Provide ongoing policy review for the transformation of the air transportation system.
- d) Identify resource needs and make recommendations to their respective Agencies for necessary funding for planning, research, and development activities.
- e) Make legislative recommendations, as appropriate, for the future air transportation system.

## 2. The JPDO Board

Each Agency will assign a minimum of one senior executive to be a member of the Board, chaired by the JPDO Director. The Board members will be senior representatives from each Agency that are empowered to speak and act on behalf of their agency.

The JPDO Board shall:

- a) Review and comment on the JPDO annual operating plan.
- b) Review and comment on material to be presented to the Senior Policy Committee.
- c) Review and comment on Next Generation Air Transportation System planning documents.
- d) Coordinate Agency actions resulting from Next Generation Air Transportation System planning.
- e) Provide advice and counsel to the JPDO Director on JPDO operations or progress toward the Next Generation Air Transportation System.

3. The Joint Planning and Development Office

The JPDO shall report through the FAA Administrator to the SPC. The FAA Administrator shall select the JPDO Director, taking into account any nominations by the Agencies. The JPDO Director shall establish an organizational plan. Individuals nominated from the Agencies and selected by the JPDO Director shall staff the organization. The JPDO Director will develop and maintain an annual operating plan that delineates the annual objectives of the office, the plans for achieving the objectives, and the resources required to fulfill the plans.

The JPDO shall:

- a) Create and carry out an integrated national plan for a Next Generation Air Transportation System.
- b) Oversee research and development on that system.
- c) Create a transition plan for the implementation of that system.
- d) Coordinate aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research.
- e) Coordinate goals and priorities and coordinate research activities within the Federal Government with United States aviation and aeronautical firms.
- f) Coordinate the development and utilization of new technologies to ensure that, when available, they may be used to their fullest potential in aircraft and in the air traffic control system.
- g) Facilitate the transfer of technology from research conducted at the NASA and the Department of Defense Advanced Research Projects Agency to Federal agencies with operational responsibilities and to the private sector.
- h) Review activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense.

The JPDO shall operate in conjunction with relevant Agency programs in the DoD, NASA, DOC, DHS, and DOT. In developing and carrying out its plans, the JPDO shall consult with the public and ensure the participation of experts from the private sector, including representation of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

## **V. AGENCY RESPONSIBILITIES**

Planning and executing the transformational Next Generation Air Transportation System, including the National Integrated Plan, can be realized only by allocating responsibility for portions of the task among the Agencies that have relevant missions, capabilities, and budgets.

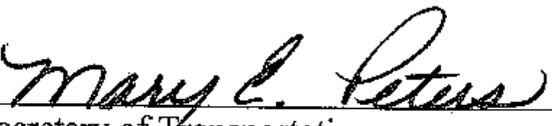
- A. Each Agency shall contribute executive, technical, and administrative support to the JPDO and its related bodies and functions, subject to the availability of funds.
- B. To accomplish transformation and implement the National Integrated Plan, the Agencies shall leverage their efforts by developing procedural mechanisms to institutionalize coordination and alignment of the Agencies' activities relevant to the Next Generation Air Transportation System, including policies, programs, budgets, acquisitions, research and development studies and projects, third-party communications and initiatives, and the sharing of best practices. To this end, the Agencies shall support the efforts of the SPC, the JPDO, and the JPDO Board.
- C. Each Agency shall support the JPDO in measuring performance against the National Integrated Plan, including annual progress reports required by the Act.
- D. Each Agency shall identify or establish internal agency mechanisms for implementing its responsibilities under this MOU.

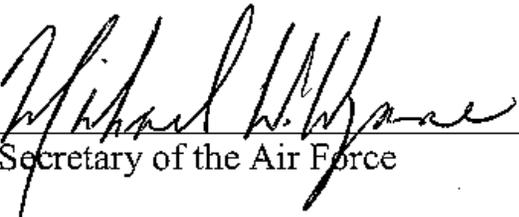
## **VI. OTHER PROVISIONS**

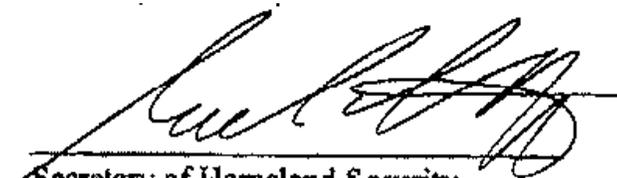
- A. The Agencies may decide to enter into subordinate agreements to this MOU. The Agencies also may decide, for ease of management and reference, to consolidate extant agreements among or between them relating to the Next Generation Air Transportation System. These, and any subordinate agreements to the MOU, shall be included as annexes to the MOU.
- B. Nothing in this MOU is intended to conflict with current laws or regulations or the directives of any of the Agencies. If a term of this MOU is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect.
- C. No private or nonsignatory party is to benefit from any provision of this MOU or to claim any rights under it.

**VII. EFFECTIVE DATE/AMENDMENT/TERMINATION**

- A. This MOU shall become effective when it has been signed on behalf of the five signatory Agencies.
- B. This MOU may be amended at any time by the mutual written consent of the Agencies.
- C. A review of this MOU shall occur within three years and on a three-year cycle thereafter by the SPC.
- D. Any Agency may terminate its participation in this MOU, subject to the requirements of the Act, upon 60 days notice to the other parties, the White House, and the relevant congressional committees.

  
Secretary of Transportation

  
Secretary of the Air Force

  
Secretary of Homeland Security

  
Secretary of Commerce

  
NASA Administrator

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June 9, 2008  
Date