

## Federal Aviation Administration, DOT

Pt. 16

(b) The indemnification agreement will be signed by the Chief Counsel and the publisher.

(c) The FAA will indemnify the publisher for—

(1) Compensatory damages awarded by the court against the publisher;

(2) Reasonable costs and fees, including reasonable attorney fees at a rate not to exceed that permitted under the Equal Access to Justice Act (5 U.S.C. 504), and any postjudgment interest, if the publisher conducts a good faith defense, or pursues a good faith appeal, at the request, or with the concurrence, of the FAA.

(d) Except as otherwise provided in this section, the FAA will not indemnify the publisher for—

(1) Punitive or exemplary damages;

(2) Civil or criminal fines or any other litigation sanctions;

(3) Postjudgment interest;

(4) Costs;

(5) Attorney fees; or

(6) Other incidental expenses.

(e) The indemnification agreement must provide that the Government will be subrogated to all claims or rights of the publisher, including third-party claims, cross-claims, and counter-claims.

### § 15.115 Payment.

After execution of the indemnification agreement, the FAA will submit the agreement to the United States Department of Justice and request payment, in accordance with the agreement, from the Judgment Fund.

## PART 16—RULES OF PRACTICE FOR FEDERALLY-ASSISTED AIRPORT ENFORCEMENT PROCEEDINGS

### Subpart A—General Provisions

Sec.

16.1 Applicability and description of part.

16.3 Definitions.

16.5 Separation of functions.

### Subpart B—General Rules Applicable to Complaints, Proceedings Initiated by the FAA, and Appeals

16.11 General processes.

16.13 Filing of documents.

16.15 Service of documents on the parties and the agency.

16.17 Computation of time.

16.19 Motions.

### Subpart C—Special Rules Applicable to Complaints

16.21 Pre-complaint resolution.

16.23 Pleadings.

16.25 Dismissals.

16.26 Motions to dismiss and motions for summary judgment.

16.27 Incomplete complaints.

16.29 Investigations.

16.31 Director's determinations after investigations.

16.33 Final decisions without hearing.

16.34 Consent orders.

### Subpart D—Special Rules Applicable to Proceedings Initiated by the FAA

16.101 Basis for the initiation of agency action.

16.103 Notice of investigation.

16.105 Failure to resolve informally.

### Subpart E—Proposed Orders of Compliance

16.109 Orders terminating eligibility for grants, cease and desist orders, and other compliance orders.

### Subpart F—Hearings

16.201 Notice and order of hearing.

16.202 Powers of a hearing officer.

16.203 Appearances, parties, and rights of parties.

16.207 Intervention and other participation.

16.209 Extension of time.

16.211 Prehearing conference.

16.213 Discovery.

16.215 Depositions.

16.217 Witnesses.

16.219 Subpoenas.

16.221 Witness fees.

16.223 Evidence.

16.225 Public disclosure of evidence.

16.227 Standard of proof.

16.229 Burden of proof.

16.231 Offer of proof.

16.233 Record.

16.235 Argument before the hearing officer.

16.237 Waiver of procedures.

16.241 Initial decisions, orders, and appeals.

16.243 Consent orders.

16.245 Associate Administrator review after a hearing.

### Subpart G—Judicial Review

16.247 Judicial review of a final decision and order.

### Subpart H—Ex Parte Communications

16.301 Prohibited ex parte communications.