AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 2503

To require all aircraft to be equipped with Automatic Dependent Surveillance–Broadcast In, to improve aviation safety, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CRUZ (for himself, Ms. CANTWELL, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. BUDD, Ms. DUCKWORTH, Mrs. BLACKBURN, Mr. MARKEY, and Mr. YOUNG)

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rotorcraft Operations Transparency and Oversight Reform Act'' or the ''ROTOR Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) ADS–B IN.—The term ''ADS–B In'' means onboard avionics equipment that receives and processes Automatic Dependent Surveillance-Broadcast transmissions that are broadcast in accordance with sections 91.225 and 91.227 of title 14, Code of Federal Regulations (or any successor regulations), and other aviation advisory information from ground stations, that provides the aircraft with awareness to the location of other aircraft and traffic advisories.

(3) ADS–B OUT.—The term ''ADS–B Out''—

(A) has the meaning given such term in section 91.227 of title 14, Code of Federal Regulations; and

(B) broadcasts information from the aircraft in accordance with sections 91.225 and 91.227 of such title 14 (or any successor regulations).

(4) AFFECTED AIRCRAFT.—The term ''affected aircraft'' means any aircraft that is required to operate in accordance with section 91.225 of title 14, Code of Federal Regulations, or any successor regulation.

(5) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) CABINET MEMBER.—The term ''Cabinet Member'' means an individual who is the head (including an acting head) of the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of State, the Department of Transportation, the Department of the Treasury, or the Department of Veterans Affairs, or any other individual who occupies a position designated by the President as a Cabinet-level position.

(7) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(8) NATIONAL CAPITAL REGION; NCR.—The terms ''National Capital Region'' and ''NCR'' mean

the geographic area located within the boundaries of—

(A) the District of Columbia;

(B) Montgomery and Prince Georges Counties in the State of Maryland;

(C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia; and

(D) all cities and other units of government within the geographic areas described in subparagraphs (A) through (C).

(9) POWERED-LIFT.—The term ''powered-lift''—

(A) has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations (or any successor regulation); and

(B) includes vertical-lift flight mode and wing-borne flight mode, as such terms are defined in section 194.103 of title 14, Code of Federal Regulations (or any successor regulation).

(10) ROTORCRAFT.—The term ''rotorcraft'' has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations (or any successor regulation).

(11) TRANSPORT AIRPLANE.—The term ''transport airplane'' has the meaning given such term in section 44741(i) of title 49, United States Code.

(12) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 3. REVISION TO EXCEPTION FOR ADS–B OUT TRANSMISSION.

(a) ADS–B OUT REFORMS.—

(1) IN GENERAL.—Beginning on the date of enactment of this section, in applying section 91.225(f)(1) of title 14, Code of Federal Regulations, the term ''sensitive government mission'' shall be narrowly construed and shall not include training flights, proficiency flights, or flights of Federal officials below the rank of Cabinet Member.

(2) RULEMAKING AND ADMINISTRATIVE ACTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall—

(i) issue or revise regulations to update section 91.225(f) of title 14, Code of

Federal Regulations, to comply with the requirements of this section; and

(ii) revise any memorandum of agreement between the FAA and any other Federal, State, local, or Tribal agency to conform with the revised regulations described in clause (i).

(B) REPORT.—If the Administrator fails to issue or revise regulations pursuant to subparagraph (A) or revise any memorandum of agreement between the FAA and any other agency pursuant to such subparagraph, the Administrator shall, within 30 days, submit to the appropriate committees of Congress a report on the status of such regulations, including the reasons that the Administrator has failed to issue or revise such regulations within the period required under such subparagraph.

(b) GAO REVIEW AND REPORT.—Not later than the date that is 2 years after the date of enactment of this section, the Comptroller General of the United States shall—

(1) review the utilization of exceptions under section 91.225(f) of title 14, Code of Federal Regu-

lations (or any successor regulation), as revised under subsection (a), to determine—

(A) whether the Department of Defense and other relevant Federal agencies or other applicable operators have utilized such exceptions in accordance with relevant laws and regulations; and

(B) the extent of such utilization;

(2) compare the utilization of exceptions specified in such section 91.225(f) before and after the issuance of revised regulations under subsection (a); and

(3) submit to the Administrator and the appropriate committees of Congress a report on the findings of the review conducted under paragraph (1) and the comparison conducted under paragraph (2).

(c) FAA REVIEW OF NON-COMPLIANT OPERATORS.—Upon submission of the report under subsection (b)(3), the Administrator shall—

(1) determine whether any Federal agency or other applicable operator that has been found to have not utilized the exceptions under section 91.225(f) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a), in accordance with relevant laws and

regulations shall be permitted to continue to utilize such exceptions; and

(2) not later than 30 days after the date on which the Comptroller General submits the report under subsection (b)(3), brief the appropriate committees of Congress on such determination.

(d) REPORTS.—

(1) TO THE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this section, and on a quarterly basis thereafter, each Federal, State, local, and Tribal agency that performs sensitive government missions as described in section 91.225(f)(1) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a), shall submit to the Administrator a report that includes—

(A) an attestation that such operations are regularly transmitting ADS–B Out and are conducted with proper consideration to aviation safety; and

(B) a list of operations delineated by flight in which the ADS–B Out equipment is not in transmit mode because the aircraft was performing a sensitive government mission, including the airport, airspace location, date, time,

duration, and mission type of each such operation.

(2) TO CONGRESS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and biannually thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the frequency and nature of the ADS–B Out exceptions granted to Federal, State, local, and Tribal agencies under section 91.225(f)(1) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a). Such report—

(i) shall include—

(I) aggregated data on the operations in which ADS–B Out equipment is not in transmit mode by each agency described in paragraph (1); and

(II) a determination from the Administrator as to whether each operation described in paragraph (1)(B) jeopardizes aviation safety; and

(ii) may include a classified annex.

(B) SPECIAL NOTIFICATION.—If an agency described in paragraph (1) operates a flight using an exception granted under section 91.225(f)(1) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a), 5 or more times in a calendar month, or fails to provide to the Administrator the attestation required under paragraph (1)(A), the Administrator shall notify the appropriate committees of Congress of such use within 14 days of being notified of such use. For the purposes of this subparagraph, a flight shall be interpreted as the period beginning when an aircraft moves under its own power for the purpose of flight and ending when the aircraft lands.

(e) ANNUAL INSPECTOR GENERAL AUDITS.—

(1) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this section, the Inspector General of the Department of Transportation (in this section referred to as the ''Inspector General'') shall conduct an annual audit of FAA oversight of all operations that utilize an exception under section 91.225(f) of title 14, Code of Federal Regulations (or any successor regulation),

as revised under subsection (a), including Federal agency operations.

(2) CONSIDERATIONS.—In conducting an audit under paragraph (1), the Inspector General shall assess the efficacy of FAA oversight related to the following:

(A) Ensuring exceptions under such section 91.225(f)(1) (or any successor regulation) are strictly utilized by operators in accordance with relevant laws and regulations.

(B) Ensuring exceptions under such section 91.225(f)(1) (or any successor regulation) are not routinely used by operators.

(C) Identifying and engaging with any operator not in compliance with relevant laws and regulations relating to exceptions under such section 91.225(f)(1) (or any successor regulation).

(D) Any other factor determined appropriate by the Inspector General.

(3) BRIEFINGS TO CONGRESS.—The Inspector General shall brief the appropriate committees of Congress on an annual basis after the completion of each annual audit.

SEC. 4. ADS–B IN REQUIREMENTS.

(a) REQUIREMENT FOR ADS–B IN OPERATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator shall issue a final rule in accordance with section 553 of title 5, United States Code, to require any person operating an aircraft (other than an unmanned aircraft, as defined in section 44801 of title 49, United States Code) required to be equipped with ADS–B Out in accordance with section 91.225 of title 14, Code of Federal Regulations (or any successor regulation), to be equipped with and operating with ADS–B In equipment that provides the aircraft with awareness to the location of other aircraft and traffic advisories, unless otherwise authorized by air traffic control.

(2) COMPLIANCE DEADLINES.—In issuing a final rule under paragraph (1), the Administrator shall—

(A) include an effective date of not later than 60 days after the date on which such final rule is published in the Federal Register; and

(B) require aircraft described in paragraph (1) to be equipped with ADS-B In not later than December 31, 2031.

(3) FINAL REGULATION REQUIREMENTS.—In issuing a final rule under paragraph (1), the Administrator shall, at a minimum, do the following:

(A) PERFORMANCE STANDARDS.—The Administrator shall establish appropriate performance requirements for ADS–B In equipment to provide integrated safety-enhancing capabilities for a pilot or other flight crew, including by increasing situational awareness to the location of other aircraft and providing traffic advisories with alerting sufficient to provide traffic advisory indications while airborne and on the airport surface, such as visual and aural advisories.

(B) ALTERNATIVE EQUIPMENT OR TECHNOLOGY.—With respect to aircraft with a maximum certificated takeoff weight of less than 12,500 pounds when operating under part 91 of title 14, Code of Federal regulations, the Administrator shall establish performance requirements for alternative equipment or technology that the Administrator determines acceptable in satisfying the ADS–B In requirement. The performance requirements shall, at a minimum—

(i) provide similar or improved situational awareness to the location of other airborne traffic, as well as traffic advisory information; and

(ii) leverage the use of portable ADS–B In receivers or equipment that allow display on an existing or future electronic flight bag or panel mounted display, provided that the installation or use of such equipment does not adversely affect other required avionics or the airworthiness of the aircraft.

(C) GUIDANCE.—The Administrator shall issue relevant guidance for aircraft operators and other appropriate stakeholders regarding the types of equipment that satisfy the performance requirements described in this paragraph.

(4) OTHER REQUIREMENTS.—In issuing a final rule under paragraph (1), the Administrator shall include—

(A) requirements for ADS–B In equipment and the use of such equipment;

(B) technical assistance to facilitating ADS–B In equipage across the entire fleet of affected aircraft, including, as appropriate,

guidance under part 26 of title 14, Code of Federal Regulations, to provide support for affected transport airplane operators in complying with the requirements of this section;

(C) any other associated guidance necessary to assist operators and other stakeholders in identifying equipment that satisfies the ADS–B In performance standards described in paragraph (3) prior to the compliance deadline described in paragraph (2)(B);

(D) a determination of alternative equipment or technology described in subsection (e); and

(E) a presumption, absent clear and compelling evidence to the contrary, that ADS–B In equipment is cost beneficial and improves aviation safety.

(b) NEGOTIATED RULEMAKING COMMITTEE.—

(1) COMMITTEE.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator may establish a negotiated rulemaking committee (in this section referred to as the ''committee'') pursuant to section 565 of title 5, United States Code, to negotiate pro-

posed regulations to implement the requirements described in subsection (a).

(B) MEMBERSHIP.—If the Administrator elects to establish a committee under this subsection, the committee shall be composed of—

(i) representatives of—

(I) the FAA;

(II) air carriers;

(III) avionics manufacturers;

(IV) aircraft manufacturers; and

(V) general aviation organizations;

(ii) the exclusive bargaining representative of air traffic controllers of the FAA certified under section 7511 of title 5, United States Code, and labor organizations representing air carrier pilots, including the principal organization representing the largest certified collective bargaining representative of airline pilots;

(iii) aviation safety experts outside of the FAA; and

(iv) any other representatives determined appropriate by the Administrator.

(2) REQUIREMENTS.—If the Administrator elects to establish a committee under this subsection, the Administrator shall do the following:

(A) IN GENERAL.—The Administrator shall direct the committee to make recommendations relating to—

(i) ADS–B In equipment and its use;

(ii) ADS–B In equipment performance standards pursuant to subsection (a)(3);

(iii) the consideration of effective approaches to facilitating ADS–B In equipage across the entire fleet of affected aircraft, including requirements under part 26 of title 14, Code of Federal Regulations, to provide support for affected transport category airplane operators in complying with the requirements of this section; and

(iv) with respect to aircraft with a maximum certificated takeoff weight of less than 12,500 pounds when operating under part 91 of title 14, Code of Federal Regulations, a recommendation for low

cost alternative equipment or technology in accordance with subsection (e).

(B) LACK OF COMMITTEE CONSENSUS.—In the event the committee does not reach a consensus regarding a recommendation for low cost alternative equipment or technology under subparagraph (A)(iv), the Administrator shall, after the submission of the committee under paragraph (3), consider prescribing a low cost alternative that includes the criteria described in subsection (e).

(3) SUBMISSION TO THE ADMINISTRATOR.—If the Administrator elects to establish a committee under this subsection, not later than 1 year after the date of enactment of this section, the committee shall submit to the Administrator—

(A) a consensus proposal of regulations to implement the requirement described in subsection (a)(1); or

(B) in the event the committee does not reach a consensus, a report identifying any points of agreement and disagreement with respect to such proposed regulations.

(4) PROPOSED RULE.—If the Administrator elects to establish a committee under this subsection,

not later than 180 days after receiving the submission of the committee under paragraph (3), the Administrator shall issue a proposed rule, in accordance with section 553 of title 5, United States Code, that either—

(A) to the maximum extent possible consistent with the legal obligations of the FAA, uses the consensus proposal of the committee under paragraph (3)(A) as the basis for the proposed rule for notice and comment, including with respect to any standards or requirements described in subsection (a)(3); or

(B) in the event the committee does not reach a consensus, considers the points of agreement and disagreement submitted by the committee under paragraph (3)(B).

(c) CONSULTATION REQUIRED WITHOUT NEGOTIATED RULEMAKING COMMITTEE.—If the Administrator does not establish a committee under subsection (b), prior to issuing a final rule, the Administrator shall consult with appropriate stakeholders in conducting the rulemaking required under subsection (a)(1), including at a minimum the representatives described in subsection (b)(1)(B).

(d) PHASED-IN RETROFIT.—

(1) IN GENERAL.—In issuing a final rule under subsection (a)(1), the Administrator shall—

(A) establish a process by which the operator of an affected aircraft, in service as of the date on which the final rule under subsection (a)(1) is published in the Federal Register in accordance with subsection (a)(2)(A), may apply to the Administrator to request additional time, not to exceed a period of 1 year after the deadline described in subsection (a)(2)(B), to finalize equipage of its fleet and make ADS–B In operational, provided that—

(i) an aircraft operator, owner, or their agent submits an application deemed acceptable to the Administrator for additional time for compliance, including a justification for such request and an attestation of actions to-date demonstrating progress toward achieving compliance;

(ii) the Administrator, in consultation with the Secretary of Transportation, determines additional time is required to mitigate a significant disruption to air transportation; and

(iii) the Administrator determines the aircraft operator or owner does not have any uncorrected violations of subchapters F and G of chapter I of title 14, Code of Federal Regulations; and

(B) notify the appropriate committees of Congress not later than 14 days after making a determination under clause (ii) or (iii) of subparagraph (A).

(2) SPECIAL RULE FOR AGENTS.—With the exception of an agent representing an owner or operator of transport airplanes, for the purposes of this subsection, an agent may represent more than 1 aircraft operator or owner of the same type, model, or manufacturer and may submit 1 or more applications under paragraph (1)(A)(i), each of which may contain multiple aircraft operators or owners.

(e) LOW COST ALTERNATIVE METHOD OF COMPLIANCE.—In issuing a final rule under subsection (a)(1), the Administrator shall determine low cost equipment or technologies that provide similar or improved situational awareness to the location of other airborne traffic, as well as traffic advisory information, that satisfy the ADS–B In equipage requirement for aircraft with a maximum certificated takeoff weight of less than 12,500 pounds when

operated under part 91 of title 14, Code of Federal Regulations. In making such a determination, the Administrator shall consider the use of—

(1) portable ADS–B In receivers; and

(2) equipment that allows display on an existing or future electronic flight bag or panel mounted display, provided the installation or use does not adversely affect other required avionics or the airworthiness of the aircraft.

(f) PROACTIVE EQUIPAGE.—With respect to any aircraft for which ADS–B In equipment is available and complies with the requirements of the final rule issued under subsection (a)(1), the operator of any such aircraft shall take all appropriate actions necessary to equip such aircraft with ADS-B In prior to the compliance deadline described in subsection (a)(2).

(g) SEPARATION STANDARDS; RELEVANT CONTROLLER TRAINING.—

(1) RULEMAKING.—

(A) IN GENERAL.—Not later than 18 months after the effective date of the final rule described in subsection (a), the Administrator shall issue a notice of proposed rulemaking to establish separation standards, as appropriate, that leverage ADS–B Out or ADS–B In equip-

ment, and all other available technological capabilities in the air traffic control system, to achieve safety and efficiency benefits throughout the national airspace system, including on an airport surface and within Class E airspace (as defined in section 71.71 of title 14, Code of Federal Regulations, or any successor regulation).

(B) CONSULTATION.—In conducting the rulemaking under this subsection, the Administrator shall consult with appropriate stakeholders, including, at a minimum—

(i) representatives of—

(I) air carriers;

(II) original equipment manufacturers; and

(III) general aviation organizations;

(ii) labor organizations representing air carrier pilots, including the principal organization representing the largest certified collective bargaining representative of airline pilots;

(iii) the exclusive bargaining representative of air traffic controllers of the

FAA certified under section 7111 of title 5, United States Code;

(iv) aviation safety experts from outside the FAA; and

(v) any other stakeholder deemed appropriate by the Administrator.

(2) REQUIRED UPDATES TO FAA ORDERS.—Not later than 18 months after the issuance of the notice of proposed rulemaking under paragraph (1)(A), the Administrator shall complete revisions, as appropriate, to FAA Order 7110.65 and other relevant FAA Orders, to increase safety and efficiency benefits in the national airspace system.

(3) RELEVANT CONTROLLER TRAINING.—

(A) IN GENERAL.—Not later than 1 year after the compliance deadline described in subsection (a)(2), the Administrator shall revise initial and recurrent air traffic controller training, as appropriate, in accordance with FAA Orders 3000.22 and 3120.4 and revised associated orders and directives, as appropriate, to ensure such controllers are trained to apply any new separation standards and procedures.

(B) REQUIREMENTS.—In revising training under subparagraph (A), the Administrator shall—

(i) consider human factors impacts, appropriate phraseology adjustments, and surface movement applications; and

(ii) consult with the exclusive bargaining representative of air traffic controllers of the FAA certified under section 7111 of title 5, United States Code.

(h) ACAS–X ACTION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate committees of Congress an action plan for advancing the deployment of the Airborne Collision Avoidance System-X (in this section referred to as ''ACAS-X''), or any variant or successor technology, in the national airspace system. The Administrator shall publish the action plan in a publicly available format not later than 10 days after submitting such action plan to Congress.

(2) CONTENTS.—In developing the action plan under paragraph (1), the Administrator shall include—

(A) a strategic roadmap for the deployment of ACAS-X technology, including steps required for widespread adoption among aircraft operators (including rotorcraft operators);

(B) actions and funding necessary to complete any applicable research, development, testing, evaluation, and standards development needed to support the certification of such technology;

(C) plans for engagement with appropriate stakeholders, including—

(i) aircraft operators, including those in the Department of Defense;

(ii) aviation safety experts outside the FAA;

(iii) avionics manufacturers;

(iv) aircraft manufacturers;

(v) general aviation organizations;

(vi) the exclusive bargaining representative of air traffic controllers of the FAA certified under section 7511 of title 5, United States Code;

(vii) labor organizations representing air carrier pilots, including the principal organization representing the largest cer-

tified collective bargaining representative of airline pilots; and

(viii) any other stakeholders determined appropriate by the Administrator;

(D) engagement with foreign civil aviation authorities to harmonize international standards for certification of such technology;

(E) ACAS-X interoperability considerations for aircraft operators (including rotorcraft operators) equipped with ADS–B Out and ADS–B In equipment;

(F) an assessment of safety benefits for aircraft operators equipping with such technology, including civil and military operators; and

(G) any recommendations for administrative or legislative action, as determined appropriate by the Administrator, to advance such technology deployment.

(3) IMPLEMENTATION.—The Administrator may take actions, as appropriate, to implement the action plan developed under paragraph (1).

(4) BRIEFING.—Not later than 30 days after the date on which the Administrator submits the action plan under paragraph (1), the Administrator

shall brief the appropriate committees of Congress on the contents of such action plan and any prospective actions to implement such plan.

(i) ARAC TASKING.—

(1) IN GENERAL.—The Administrator shall task the Aviation Rulemaking Advisory Committee (in this section referred to as the ''ARAC'') with reviewing and assessing the need for aircraft operating in Class D airspace to be equipped with ADS–B Out and ADS–B In equipment.

(2) REPORT AND RECOMMENDATIONS.—Not later than 1 year after initiating the review and assessment under this section, the ARAC shall submit to the Administrator—

(A) a report on the findings of the review and assessment under paragraph (1); and

(B) any recommendations for legislative or regulatory action the ARAC determines appropriate.

(3) BRIEFING.—Not later than 30 days after the date on which the ARAC submits the report under paragraph (2), the Administrator shall brief the appropriate committees of Congress on—

(A) the findings and recommendations included in such report; and

(B) any plan to implement such recommendations, including a justification for any recommendations the Administrator determines should not be implemented.

SEC. 5. INSPECTOR GENERAL OF THE ARMY AUDIT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Inspector General of the Army shall initiate an audit to evaluate the Army's coordination with the FAA, pilot training, and qualification standards, and the Army's use of ADS–B Out and whether it adheres to Army policy, regulation, and law.

(b) ASSESSMENT.—In conducting the audit required by subsection (a), the Inspector General of the Army shall assess practices and recommendations for the Army, including—

(1) whether Army policy and United States law was adhered to, and the Army's coordination with the FAA, during National Capital Region operations of pilot training and qualifications standards in the NCR;

(2) the Army's policy on ADS–B Out equipage, usage, and activation;

(3) maintenance protocols for UH-60 Black Hawk helicopters operated by the 12th Army Aviation Brigade including, but not limited to, the cali-

bration of any system that transmits altitude and position information outside the aircraft and the calibration of systems that sends altitude and position information to the pilots inside the aircraft;

(4) compliance with the September 29, 2021, Letter of Agreement executed between the Pentagon Heliport Air Traffic Control Tower and the Ronald Reagan Washington National Airport Air Traffic Control Tower regarding flight operations in the NCR; and

(5) the Army's review of loss of separation incidents involving its rotorcraft in the NCR along with possible mitigations to prevent future mishaps.

(c) PUBLIC DISCLOSURE.—Not later than 14 days after the audit required by subsection (a) is concluded, the Secretary of the Army shall—

(1) transmit a report on the results of the audit, without redactions, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives; and

(2) publicly release the report without redactions, except to the extent required for national security reasons.

SEC. 6. SAFETY REVIEWS OF AIRSPACE.

(a) FAA-DOD COORDINATION.—Not later than 30 days after the date of enactment of this section, the Administrator shall establish or designate an office within the FAA as the ''Office of FAA-DOD Coordination'' (in this section referred to as the ''Office''), which shall—

(1) coordinate airspace usage of military aircraft and rotorcraft with relevant FAA lines of business, including the Air Traffic Organization; and

(2) carry out the safety review required by subsection (b).

(b) SAFETY REVIEWS.—

(1) REVIEW OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Office is established or designated, the Administrator shall initiate a safety review of all military, law enforcement, and civilian rotary wing, powered lift, fixed wing, and unmanned aircraft system flight operations and flight routes in the Washington D.C. Metropolitan Area Special Flight Rules

Area, including but not limited to flight operations conducted by the Department of Defense, emergency response providers, and air medical transport operators, to evaluate any associated safety risk on commercial transport airplane operations at Ronald Reagan Washington National Airport.

(B) CONSULTATION.—In conducting a safety review under subparagraph (A), the Administrator shall consult with—

(i) the Secretary of Defense;

(ii) Federal, State, and local agencies;

(iii) law enforcement agencies;

(iv) emergency response providers, including air medical transport operators;

(v) air carriers;

(vi) aviation labor organizations, including, at a minimum—

(I) the exclusive bargaining representative of air traffic controllers of the FAA certified under section 7511 of title 5, United States Code; and

(II) the principal organization representing the largest certified col-

lective bargaining representative of airline pilots; and

(vii) other stakeholders determined appropriate by the Administrator.

(2) OTHER AIRPORT REVIEWS.—

(A) IN GENERAL.—The Administrator shall conduct safety reviews of all military, law enforcement and civilian rotary wing, powered lift, fixed wing, and unmanned aircraft system flight operations and flight routes at other Class B airports (as listed in section 1 of Appendix D to part 91 of title 14, Code of Federal Regulations (or any successor regulation)) and within the lateral boundary of Class B airspace, at commercial service Class C airports (as listed in FAA Order JO 7400.11J (or any successor order)) and within the lateral boundary of Class C airspace in the national airspace system, and at Class D airports that provide passenger service under part 121 of title 14, Code of Federal Regulations, determined to meet the risk criteria set forth in subparagraph (C), including flight operations conducted by the Department of Defense, emergency response providers, and air medical transport operators, to evaluate any

associated safety risk on commercial transport airplane operations.

(B) CONSULTATION.—In conducting a safety review under subparagraph (A), the Administrator shall consult with—

(i) the Secretary of Defense;

(ii) Federal, State, local, and Tribal agencies;

(iii) law enforcement agencies;

(iv) emergency response providers;

(v) air carriers;

(vi) aviation labor organizations, including, at a minimum—

(I) the exclusive bargaining representative of air traffic controllers of the FAA certified under section 7511 of title 5, United States Code; and

(II) the principal organization representing the largest certified collective bargaining representative of airline pilots; and

(vii) other stakeholders determined appropriate by the Administrator.

(C) PRIORITIZATION AND RISK CRITERIA.—In prioritizing the safety reviews of

Class B, Class C, and Class D airports described in subparagraph (A) and conducting the safety reviews pursuant to subparagraph (A), the Administrator shall, at a minimum, consider the following risk criteria:

(i) The type of airspace the airport is located in and the type of tower at the airport.

(ii) Whether the airport has radar on the field.

(iii) The total number of air traffic operations at the airport per calendar year, as reported in the Operations Network (OPSNET) data of the FAA, and the rate of growth measured over a 20-year period prior to the initiation of a safety review under this section.

(iv) The Traffic Collision Avoidance System (TCAS) resolution advisory rates at the airport compared to the number of arrivals at the airports.

(v) The presence of parallel runways.

(vi) The presence of visual flights (in this subparagraph referred to as ''VFR'') corridors in proximity to the airport.

(vii) The presence of a helicopter corridor in proximity to the airport or nearby helicopter operations.

(viii) The presence of dense VFR operations at the airport,

(ix) The presence of complex VFR procedures at the airport or in the adjacent airspace.

(D) DEADLINE OF INITIATION OF REVIEWS.—The Administrator shall initiate the reviews under this paragraph by the following deadlines:

(i) CLASS B AIRPORTS.—With respect to Class B airports, not later than 90 days after the date of enactment of this section.

(ii) CLASS C AIRPORTS.—With respect to Class C airports, not later than 90 days after the initiation date of the Class B airport reviews.

(iii) CLASS D AIRPORTS.—With respect to Class D airports, not later than 90 days after the initiation date of the Class C airport reviews.

(3) REQUIREMENTS.—In conducting the safety reviews required by paragraphs (1) and (2), the Office shall do the following:

(A) Analyze air traffic and airspace management.

(B) Evaluate the level of coordination the Administrator exercises with the Secretary of Defense and the heads of any other Federal agencies, and emergency response providers as appropriate, to inform the designation and approval of airspace use and flight routes for non-transport airplane operations.

(C) Assess any risks posed to transport airplanes from military aircraft and rotorcraft, civil rotorcraft, powered lift aircraft, and unmanned aircraft systems operating in Class B or Class C airspace in proximity to Class B or Class C airports.

(D) Review relevant incidents submitted to the Administrator through Air Traffic Mandatory Occurrence reports (as documented via FAA Form 7210-13), Aviation Safety Reporting System reports, and Aviation Safety Action Program reports, and relevant reports submitted to the Administrator of the National

Aeronautics and Space Administration through the Aviation Safety Reporting System, to identify any safety trends regarding the operation of military aircraft and rotorcraft, civil rotorcraft, powered lift aircraft, and unmanned aircraft systems in Class B or Class C airspace near Class B or Class C airports.

(4) DEADLINES FOR COMPLETION OF SAFETY REVIEWS.—

(A) RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—The Administrator shall complete the safety review required by paragraph (1) not later than 120 days after the date on which such review is initiated.

(B) OTHER AIRPORTS.—The Administrator shall complete a safety review required by paragraph (2) not later than 180 days after such review is initiated.

(5) REPORTS.—

(A) REVIEW OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Not later than 60 days after completing the safety review required by paragraph (1), the Administrator shall submit to the appropriate committees of Congress a report detailing the analyses and re-

sults of such review, together with relevant findings and recommendations, including any corrective action plans to address any risks identified, and recommendations for legislative or administrative action determined appropriate by the Administrator.

(B) OTHER AIRPORT REVIEWS.—Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, the Administrator shall submit to the appropriate committees of Congress, a report detailing the analyses and results of the safety reviews completed pursuant to paragraph (2) since the preceding report under this subparagraph (or, in the case of the first such report, since such date of enactment), together with relevant findings and recommendations, including any corrective action plans to address any risks identified, and recommendations for legislative or administrative actions determined appropriate by the Administrator.

(6) DESIGNATION.—The Administrator shall designate a person within the Senior Executive Service of the FAA to be directly responsible for the completion of the requirements of this subsection.

SEC. 7. FAA-DOD SAFETY INFORMATION SHARING.

(a) MOU WITH THE DEPARTMENT OF THE ARMY.—Not later than 60 days after the date of enactment of this section, the Administrator shall enter into a Memorandum of Understanding with the Secretary of the Army to permit, as appropriate, the sharing of information from the Army's Safety Management Information System with the FAA to facilitate communications and analysis of any applicable impacts to the safety and efficiency of civil aviation operations and to mitigate risk in the national airspace system.

(b) OTHER DOD MOUS.—Not later than 90 days after the date of enactment of this section, the Administrator shall enter into a Memorandum of Understanding with the following military departments to permit, as appropriate, the sharing of information from applicable aviation safety information systems to facilitate communications and analysis of any applicable impacts to the safety and efficiency of civil aviation operations and to mitigate risk in the national airspace system:

(1) The Department of the Navy.

(2) The Department of the Air Force.

(3) The Coast Guard.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after the date on which the Administrator enters into any Memorandum of Understanding under subsection

(a) or (b), the Administrator shall notify the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

SEC. 8. REPEAL OF PROVISION REGARDING ADS–B EQUIPMENT ON CERTAIN AIRCRAFT OF DEPARTMENT OF DEFENSE.

Section 1046 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (49 U.S.C. 40101 note) is repealed.