



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:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rotorcraft Operations
5 Transparency and Oversight Reform Act” or the
6 “ROTOR Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) ADS-B IN.—The term “ADS-B In” means
5 onboard avionics equipment that receives and proc-
6 esses Automatic Dependent Surveillance-Broadcast
7 transmissions that are broadcast in accordance with
8 sections 91.225 and 91.227 of title 14, Code of Fed-
9 eral Regulations (or any successor regulations), and
10 other aviation advisory information from ground sta-
11 tions, that provides the aircraft with awareness to
12 the location of other aircraft and traffic advisories.

13 (3) ADS-B OUT.—The term “ADS-B Out”—

14 (A) has the meaning given such term in
15 section 91.227 of title 14, Code of Federal Reg-
16 ulations; and

17 (B) broadcasts information from the air-
18 craft in accordance with sections 91.225 and
19 91.227 of such title 14 (or any successor regu-
20 lations).

21 (4) AFFECTED AIRCRAFT.—The term “affected
22 aircraft” means any aircraft that is required to op-
23 erate in accordance with section 91.225 of title 14,
24 Code of Federal Regulations, or any successor regu-
25 lation.

1 (5) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means the Committee on Commerce, Science,
4 and Transportation of the Senate and the Com-
5 mittee on Transportation and Infrastructure of the
6 House of Representatives.

7 (6) CABINET MEMBER.—The term “Cabinet
8 Member” means an individual who is the head (in-
9 cluding an acting head) of the Department of Agri-
10 culture, the Department of Commerce, the Depart-
11 ment of Defense, the Department of Education, the
12 Department of Energy, the Department of Health
13 and Human Services, the Department of Homeland
14 Security, the Department of Housing and Urban
15 Development, the Department of the Interior, the
16 Department of Justice, the Department of Labor,
17 the Department of State, the Department of Trans-
18 portation, the Department of the Treasury, or the
19 Department of Veterans Affairs, or any other indi-
20 vidual who occupies a position designated by the
21 President as a Cabinet-level position.

22 (7) FAA.—The term “FAA” means the Fed-
23 eral Aviation Administration.

24 (8) NATIONAL CAPITAL REGION; NCR.—The
25 terms “National Capital Region” and “NCR” mean

1 the geographic area located within the boundaries
2 of—

3 (A) the District of Columbia;

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

6 (C) Arlington, Fairfax, Loudoun, and
7 Prince William Counties and the City of Alex-
8 andria in the Commonwealth of Virginia; and

9 (D) all cities and other units of govern-
10 ment within the geographic areas described in
11 subparagraphs (A) through (C).

12 (9) POWERED-LIFT.—The term “powered-
13 lift”—

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

17 (B) includes vertical-lift flight mode and
18 wing-borne flight mode, as such terms are de-
19 fined in section 194.103 of title 14, Code of
20 Federal Regulations (or any successor regula-
21 tion).

22 (10) ROTORCRAFT.—The term “rotorcraft” has
23 the meaning given such term in section 1.1 of title
24 14, Code of Federal Regulations (or any successor
25 regulation).

1 (11) TRANSPORT AIRPLANE.—The term “trans-
2 port airplane” has the meaning given such term in
3 section 44741(i) of title 49, United States Code.

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

8 **SEC. 3. REVISION TO EXCEPTION FOR ADS-B OUT TRANS-**
9 **MISSION.**

10 (a) ADS-B OUT REFORMS.—

11 (1) IN GENERAL.—Beginning on the date of en-
12 actment of this section, in applying section
13 91.225(f)(1) of title 14, Code of Federal Regula-
14 tions, the term “sensitive government mission” shall
15 be narrowly construed and shall not include training
16 flights, proficiency flights, or flights of Federal offi-
17 cials below the rank of Cabinet Member.

18 (2) RULEMAKING AND ADMINISTRATIVE AC-
19 TION.—

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

23 (i) issue or revise regulations to up-
24 date section 91.225(f) of title 14, Code of

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

3 (ii) revise any memorandum of agree-
4 ment between the FAA and any other Fed-
5 eral, State, local, or Tribal agency to con-
6 form with the revised regulations described
7 in clause (i).

8 (B) REPORT.—If the Administrator fails
9 to issue or revise regulations pursuant to sub-
10 paragraph (A) or revise any memorandum of
11 agreement between the FAA and any other
12 agency pursuant to such subparagraph, the Ad-
13 ministrator shall, within 30 days, submit to the
14 appropriate committees of Congress a report on
15 the status of such regulations, including the
16 reasons that the Administrator has failed to
17 issue or revise such regulations within the pe-
18 riod required under such subparagraph.

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

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

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

3 (A) whether the Department of Defense
4 and other relevant Federal agencies or other
5 applicable operators have utilized such excep-
6 tions in accordance with relevant laws and reg-
7 ulations; and

8 (B) the extent of such utilization;

9 (2) compare the utilization of exceptions speci-
10 fied in such section 91.225(f) before and after the
11 issuance of revised regulations under subsection (a);
12 and

13 (3) submit to the Administrator and the appro-
14 priate committees of Congress a report on the find-
15 ings of the review conducted under paragraph (1)
16 and the comparison conducted under paragraph (2).

17 (c) FAA REVIEW OF NON-COMPLIANT OPERA-
18 TORS.—Upon submission of the report under subsection
19 (b)(3), the Administrator shall—

20 (1) determine whether any Federal agency or
21 other applicable operator that has been found to
22 have not utilized the exceptions under section
23 91.225(f) of title 14, Code of Federal Regulations
24 (or any successor regulation), as revised under sub-
25 section (a), in accordance with relevant laws and

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

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

7 (d) REPORTS.—

8 (1) TO THE ADMINISTRATOR.—Not later than
9 90 days after the date of enactment of this section,
10 and on a quarterly basis thereafter, each Federal,
11 State, local, and Tribal agency that performs sen-
12 sitive government missions as described in section
13 91.225(f)(1) of title 14, Code of Federal Regulations
14 (or any successor regulation), as revised under sub-
15 section (a), shall submit to the Administrator a re-
16 port that includes—

17 (A) an attestation that such operations are
18 regularly transmitting ADS-B Out and are
19 conducted with proper consideration to aviation
20 safety; and

21 (B) a list of operations delineated by flight
22 in which the ADS-B Out equipment is not in
23 transmit mode because the aircraft was per-
24 forming a sensitive government mission, includ-
25 ing the airport, airspace location, date, time,

1 duration, and mission type of each such oper-
2 ation.

3 (2) TO CONGRESS.—

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

14 (i) shall include—

15 (I) aggregated data on the oper-
16 ations in which ADS-B Out equip-
17 ment is not in transmit mode by each
18 agency described in paragraph (1);
19 and

20 (II) a determination from the
21 Administrator as to whether each op-
22 eration described in paragraph (1)(B)
23 jeopardizes aviation safety; and

24 (ii) may include a classified annex.

1 (B) SPECIAL NOTIFICATION.—If an agency
2 described in paragraph (1) operates a flight
3 using an exception granted under section
4 91.225(f)(1) of title 14, Code of Federal Regu-
5 lations (or any successor regulation), as revised
6 under subsection (a), 5 or more times in a cal-
7 endar month, or fails to provide to the Adminis-
8 trator the attestation required under paragraph
9 (1)(A), the Administrator shall notify the ap-
10 propriate committees of Congress of such use
11 within 14 days of being notified of such use.
12 For the purposes of this subparagraph, a flight
13 shall be interpreted as the period beginning
14 when an aircraft moves under its own power for
15 the purpose of flight and ending when the air-
16 craft lands.

17 (e) ANNUAL INSPECTOR GENERAL AUDITS.—

18 (1) IN GENERAL.—Beginning on the date that
19 is 3 years after the date of enactment of this sec-
20 tion, the Inspector General of the Department of
21 Transportation (in this section referred to as the
22 “Inspector General”) shall conduct an annual audit
23 of FAA oversight of all operations that utilize an ex-
24 ception under section 91.225(f) of title 14, Code of
25 Federal Regulations (or any successor regulation),

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

3 (2) CONSIDERATIONS.—In conducting an audit
4 under paragraph (1), the Inspector General shall as-
5 sess the efficacy of FAA oversight related to the fol-
6 lowing:

7 (A) Ensuring exceptions under such sec-
8 tion 91.225(f)(1) (or any successor regulation)
9 are strictly utilized by operators in accordance
10 with relevant laws and regulations.

11 (B) Ensuring exceptions under such sec-
12 tion 91.225(f)(1) (or any successor regulation)
13 are not routinely used by operators.

14 (C) Identifying and engaging with any op-
15 erator not in compliance with relevant laws and
16 regulations relating to exceptions under such
17 section 91.225(f)(1) (or any successor regula-
18 tion).

19 (D) Any other factor determined appro-
20 priate by the Inspector General.

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

1 **SEC. 4. ADS-B IN REQUIREMENTS.**

2 (a) REQUIREMENT FOR ADS-B IN OPERATION.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of enactment of this section, the Adminis-
5 trator shall issue a final rule in accordance with sec-
6 tion 553 of title 5, United States Code, to require
7 any person operating an aircraft (other than an un-
8 manned aircraft, as defined in section 44801 of title
9 49, United States Code) required to be equipped
10 with ADS-B Out in accordance with section 91.225
11 of title 14, Code of Federal Regulations (or any suc-
12 cessor regulation), to be equipped with and oper-
13 ating with ADS-B In equipment that provides the
14 aircraft with awareness to the location of other air-
15 craft and traffic advisories, unless otherwise author-
16 ized by air traffic control.

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

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

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

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

4 (A) PERFORMANCE STANDARDS.—The Ad-
5 ministrator shall establish appropriate perform-
6 ance requirements for ADS–B In equipment to
7 provide integrated safety-enhancing capabilities
8 for a pilot or other flight crew, including by in-
9 creasing situational awareness to the location of
10 other aircraft and providing traffic advisories
11 with alerting sufficient to provide traffic advi-
12 sory indications while airborne and on the air-
13 port surface, such as visual and aural
14 advisories.

15 (B) ALTERNATIVE EQUIPMENT OR TECH-
16 NOLOGY.—With respect to aircraft with a max-
17 imum certificated takeoff weight of less than
18 12,500 pounds when operating under part 91 of
19 title 14, Code of Federal regulations, the Ad-
20 ministrator shall establish performance require-
21 ments for alternative equipment or technology
22 that the Administrator determines acceptable in
23 satisfying the ADS–B In requirement. The per-
24 formance requirements shall, at a minimum—

1 (i) provide similar or improved situa-
2 tional awareness to the location of other
3 airborne traffic, as well as traffic advisory
4 information; and

5 (ii) leverage the use of portable ADS-
6 B In receivers or equipment that allow dis-
7 play on an existing or future electronic
8 flight bag or panel mounted display, pro-
9 vided that the installation or use of such
10 equipment does not adversely affect other
11 required avionics or the airworthiness of
12 the aircraft.

13 (C) GUIDANCE.—The Administrator shall
14 issue relevant guidance for aircraft operators
15 and other appropriate stakeholders regarding
16 the types of equipment that satisfy the perform-
17 ance requirements described in this paragraph.

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

21 (A) requirements for ADS-B In equipment
22 and the use of such equipment;

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

1 guidance under part 26 of title 14, Code of
2 Federal Regulations, to provide support for af-
3 fected transport airplane operators in complying
4 with the requirements of this section;

5 (C) any other associated guidance nec-
6 essary to assist operators and other stake-
7 holders in identifying equipment that satisfies
8 the ADS-B In performance standards described
9 in paragraph (3) prior to the compliance dead-
10 line described in paragraph (2)(B);

11 (D) a determination of alternative equip-
12 ment or technology described in subsection (e);
13 and

14 (E) a presumption, absent clear and com-
15 pelling evidence to the contrary, that ADS-B In
16 equipment is cost beneficial and improves avia-
17 tion safety.

18 (b) NEGOTIATED RULEMAKING COMMITTEE.—

19 (1) COMMITTEE.—

20 (A) IN GENERAL.—Not later than 60 days
21 after the date of enactment of this section, the
22 Administrator may establish a negotiated rule-
23 making committee (in this section referred to as
24 the “committee”) pursuant to section 565 of
25 title 5, United States Code, to negotiate pro-

1 posed regulations to implement the require-
2 ments described in subsection (a).

3 (B) MEMBERSHIP.—If the Administrator
4 elects to establish a committee under this sub-
5 section, the committee shall be composed of—

6 (i) representatives of—

7 (I) the FAA;

8 (II) air carriers;

9 (III) avionics manufacturers;

10 (IV) aircraft manufacturers; and

11 (V) general aviation organiza-
12 tions;

13 (ii) the exclusive bargaining represent-
14 ative of air traffic controllers of the FAA
15 certified under section 7511 of title 5,
16 United States Code, and labor organiza-
17 tions representing air carrier pilots, includ-
18 ing the principal organization representing
19 the largest certified collective bargaining
20 representative of airline pilots;

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

23 (iv) any other representatives deter-
24 mined appropriate by the Administrator.

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

4 (A) IN GENERAL.—The Administrator
5 shall direct the committee to make rec-
6 ommendations relating to—

7 (i) ADS-B In equipment and its use;

8 (ii) ADS-B In equipment perform-
9 ance standards pursuant to subsection
10 (a)(3);

11 (iii) the consideration of effective ap-
12 proaches to facilitating ADS-B In equi-
13 page across the entire fleet of affected air-
14 craft, including requirements under part
15 26 of title 14, Code of Federal Regula-
16 tions, to provide support for affected trans-
17 port category airplane operators in com-
18 plying with the requirements of this sec-
19 tion; and

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

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

3 (B) LACK OF COMMITTEE CONSENSUS.—In
4 the event the committee does not reach a con-
5 sensus regarding a recommendation for low cost
6 alternative equipment or technology under sub-
7 paragraph (A)(iv), the Administrator shall,
8 after the submission of the committee under
9 paragraph (3), consider prescribing a low cost
10 alternative that includes the criteria described
11 in subsection (e).

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

17 (A) a consensus proposal of regulations to
18 implement the requirement described in sub-
19 section (a)(1); or

20 (B) in the event the committee does not
21 reach a consensus, a report identifying any
22 points of agreement and disagreement with re-
23 spect to such proposed regulations.

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

1 not later than 180 days after receiving the submis-
2 sion of the committee under paragraph (3), the Ad-
3 ministrator shall issue a proposed rule, in accord-
4 ance with section 553 of title 5, United States Code,
5 that either—

6 (A) to the maximum extent possible con-
7 sistent with the legal obligations of the FAA,
8 uses the consensus proposal of the committee
9 under paragraph (3)(A) as the basis for the
10 proposed rule for notice and comment, includ-
11 ing with respect to any standards or require-
12 ments described in subsection (a)(3); or

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

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

23 (d) PHASED-IN RETROFIT.—
24

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

3 (A) establish a process by which the oper-
4 ator of an affected aircraft, in service as of the
5 date on which the final rule under subsection
6 (a)(1) is published in the Federal Register in
7 accordance with subsection (a)(2)(A), may
8 apply to the Administrator to request additional
9 time, not to exceed a period of 1 year after the
10 deadline described in subsection (a)(2)(B), to fi-
11 nalize equipage of its fleet and make ADS-B In
12 operational, provided that—

13 (i) an aircraft operator, owner, or
14 their agent submits an application deemed
15 acceptable to the Administrator for addi-
16 tional time for compliance, including a jus-
17 tification for such request and an attesta-
18 tion of actions to-date demonstrating
19 progress toward achieving compliance;

20 (ii) the Administrator, in consultation
21 with the Secretary of Transportation, de-
22 termines additional time is required to
23 mitigate a significant disruption to air
24 transportation; and

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

6 (B) notify the appropriate committees of
7 Congress not later than 14 days after making
8 a determination under clause (ii) or (iii) of sub-
9 paragraph (A).

10 (2) SPECIAL RULE FOR AGENTS.—With the ex-
11 ception of an agent representing an owner or oper-
12 ator of transport airplanes, for the purposes of this
13 subsection, an agent may represent more than 1 air-
14 craft operator or owner of the same type, model, or
15 manufacturer and may submit 1 or more applica-
16 tions under paragraph (1)(A)(i), each of which may
17 contain multiple aircraft operators or owners.

18 (e) LOW COST ALTERNATIVE METHOD OF COMPLI-
19 ANCE.—In issuing a final rule under subsection (a)(1), the
20 Administrator shall determine low cost equipment or tech-
21 nologies that provide similar or improved situational
22 awareness to the location of other airborne traffic, as well
23 as traffic advisory information, that satisfy the ADS-B
24 In equipage requirement for aircraft with a maximum cer-
25 tificated takeoff weight of less than 12,500 pounds when

1 operated under part 91 of title 14, Code of Federal Regu-
2 lations. In making such a determination, the Adminis-
3 trator shall consider the use of—

4 (1) portable ADS-B In receivers; and

5 (2) equipment that allows display on an existing
6 or future electronic flight bag or panel mounted dis-
7 play, provided the installation or use does not ad-
8 versely affect other required avionics or the air-
9 worthiness of the aircraft.

10 (f) PROACTIVE EQUIPAGE.—With respect to any air-
11 craft for which ADS-B In equipment is available and com-
12 plies with the requirements of the final rule issued under
13 subsection (a)(1), the operator of any such aircraft shall
14 take all appropriate actions necessary to equip such air-
15 craft with ADS-B In prior to the compliance deadline de-
16 scribed in subsection (a)(2).

17 (g) SEPARATION STANDARDS; RELEVANT CON-
18 TROLLER TRAINING.—

19 (1) RULEMAKING.—

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

1 ment, and all other available technological capa-
2 bilities in the air traffic control system, to
3 achieve safety and efficiency benefits through-
4 out the national airspace system, including on
5 an airport surface and within Class E airspace
6 (as defined in section 71.71 of title 14, Code of
7 Federal Regulations, or any successor regula-
8 tion).

9 (B) CONSULTATION.—In conducting the
10 rulemaking under this subsection, the Adminis-
11 trator shall consult with appropriate stake-
12 holders, including, at a minimum—

13 (i) representatives of—

14 (I) air carriers;

15 (II) original equipment manufac-
16 turers; and

17 (III) general aviation organiza-
18 tions;

19 (ii) labor organizations representing
20 air carrier pilots, including the principal
21 organization representing the largest cer-
22 tified collective bargaining representative
23 of airline pilots;

24 (iii) the exclusive bargaining rep-
25 resentative of air traffic controllers of the

1 FAA certified under section 7111 of title
2 5, United States Code;

3 (iv) aviation safety experts from out-
4 side the FAA; and

5 (v) any other stakeholder deemed ap-
6 propriate by the Administrator.

7 (2) REQUIRED UPDATES TO FAA ORDERS.—Not
8 later than 18 months after the issuance of the notice
9 of proposed rulemaking under paragraph (1)(A), the
10 Administrator shall complete revisions, as appro-
11 priate, to FAA Order 7110.65 and other relevant
12 FAA Orders, to increase safety and efficiency bene-
13 fits in the national airspace system.

14 (3) RELEVANT CONTROLLER TRAINING.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the compliance deadline described in sub-
17 section (a)(2), the Administrator shall revise
18 initial and recurrent air traffic controller train-
19 ing, as appropriate, in accordance with FAA
20 Orders 3000.22 and 3120.4 and revised associ-
21 ated orders and directives, as appropriate, to
22 ensure such controllers are trained to apply any
23 new separation standards and procedures.

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

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

7 (ii) consult with the exclusive bar-
8 gaining representative of air traffic con-
9 trollers of the FAA certified under section
10 7111 of title 5, United States Code.

11 (h) ACAS-X ACTION PLAN.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this section, the Ad-
14 ministrator shall submit to the appropriate commit-
15 tees of Congress an action plan for advancing the
16 deployment of the Airborne Collision Avoidance Sys-
17 tem-X (in this section referred to as “ACAS-X”), or
18 any variant or successor technology, in the national
19 airspace system. The Administrator shall publish the
20 action plan in a publicly available format not later
21 than 10 days after submitting such action plan to
22 Congress.

23 (2) CONTENTS.—In developing the action plan
24 under paragraph (1), the Administrator shall in-
25 clude—

1 (A) a strategic roadmap for the deploy-
2 ment of ACAS-X technology, including steps re-
3 quired for widespread adoption among aircraft
4 operators (including rotorcraft operators);

5 (B) actions and funding necessary to com-
6 plete any applicable research, development, test-
7 ing, evaluation, and standards development
8 needed to support the certification of such tech-
9 nology;

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

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

14 (ii) aviation safety experts outside the
15 FAA;

16 (iii) avionics manufacturers;

17 (iv) aircraft manufacturers;

18 (v) general aviation organizations;

19 (vi) the exclusive bargaining rep-
20 resentative of air traffic controllers of the
21 FAA certified under section 7511 of title
22 5, United States Code;

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

1 tified collective bargaining representative
2 of airline pilots; and

3 (viii) any other stakeholders deter-
4 mined appropriate by the Administrator;

5 (D) engagement with foreign civil aviation
6 authorities to harmonize international stand-
7 ards for certification of such technology;

8 (E) ACAS-X interoperability consider-
9 ations for aircraft operators (including rotor-
10 craft operators) equipped with ADS-B Out and
11 ADS-B In equipment;

12 (F) an assessment of safety benefits for
13 aircraft operators equipping with such tech-
14 nology, including civil and military operators;
15 and

16 (G) any recommendations for administra-
17 tive or legislative action, as determined appro-
18 priate by the Administrator, to advance such
19 technology deployment.

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

23 (4) BRIEFING.—Not later than 30 days after
24 the date on which the Administrator submits the ac-
25 tion plan under paragraph (1), the Administrator

1 shall brief the appropriate committees of Congress
2 on the contents of such action plan and any prospec-
3 tive actions to implement such plan.

4 (i) ARAC TASKING.—

5 (1) IN GENERAL.—The Administrator shall
6 task the Aviation Rulemaking Advisory Committee
7 (in this section referred to as the “ARAC”) with re-
8 viewing and assessing the need for aircraft operating
9 in Class D airspace to be equipped with ADS-B Out
10 and ADS-B In equipment.

11 (2) REPORT AND RECOMMENDATIONS.—Not
12 later than 1 year after initiating the review and as-
13 sessment under this section, the ARAC shall submit
14 to the Administrator—

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

17 (B) any recommendations for legislative or
18 regulatory action the ARAC determines appro-
19 priate.

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

24 (A) the findings and recommendations in-
25 cluded in such report; and

1 (B) any plan to implement such rec-
2 ommendations, including a justification for any
3 recommendations the Administrator determines
4 should not be implemented.

5 **SEC. 5. INSPECTOR GENERAL OF THE ARMY AUDIT.**

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

12 (b) ASSESSMENT.—In conducting the audit required
13 by subsection (a), the Inspector General of the Army shall
14 assess practices and recommendations for the Army, in-
15 cluding—

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

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

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

1 bration of any system that transmits altitude and
2 position information outside the aircraft and the
3 calibration of systems that sends altitude and posi-
4 tion information to the pilots inside the aircraft;

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

11 (5) the Army's review of loss of separation inci-
12 dents involving its rotorcraft in the NCR along with
13 possible mitigations to prevent future mishaps.

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

17 (1) transmit a report on the results of the
18 audit, without redactions, to the Committee on Com-
19 merce, Science, and Transportation and the Com-
20 mittee on Armed Services of the Senate and the
21 Committee on Transportation and Infrastructure
22 and the Committee on Armed Services of the House
23 of Representatives; and

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

4 **SEC. 6. SAFETY REVIEWS OF AIRSPACE.**

5 (a) FAA-DOD COORDINATION.—Not later than 30
6 days after the date of enactment of this section, the Ad-
7 ministrators shall establish or designate an office within the
8 FAA as the “Office of FAA-DOD Coordination” (in this
9 section referred to as the “Office”), which shall—

10 (1) coordinate airspace usage of military air-
11 craft and rotorcraft with relevant FAA lines of busi-
12 ness, including the Air Traffic Organization; and

13 (2) carry out the safety review required by sub-
14 section (b).

15 (b) SAFETY REVIEWS.—

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

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

1 Area, including but not limited to flight oper-
2 ations conducted by the Department of De-
3 fense, emergency response providers, and air
4 medical transport operators, to evaluate any as-
5 sociated safety risk on commercial transport
6 airplane operations at Ronald Reagan Wash-
7 ington National Airport.

8 (B) CONSULTATION.—In conducting a
9 safety review under subparagraph (A), the Ad-
10 ministrator shall consult with—

- 11 (i) the Secretary of Defense;
- 12 (ii) Federal, State, and local agencies;
- 13 (iii) law enforcement agencies;
- 14 (iv) emergency response providers, in-
15 cluding air medical transport operators;
- 16 (v) air carriers;
- 17 (vi) aviation labor organizations, in-
18 cluding, at a minimum—

19 (I) the exclusive bargaining rep-
20 resentative of air traffic controllers of
21 the FAA certified under section 7511
22 of title 5, United States Code; and

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

1 lective bargaining representative of
2 airline pilots; and
3 (vii) other stakeholders determined
4 appropriate by the Administrator.

5 (2) OTHER AIRPORT REVIEWS.—

6 (A) IN GENERAL.—The Administrator
7 shall conduct safety reviews of all military, law
8 enforcement and civilian rotary wing, powered
9 lift, fixed wing, and unmanned aircraft system
10 flight operations and flight routes at other
11 Class B airports (as listed in section 1 of Ap-
12 pendix D to part 91 of title 14, Code of Federal
13 Regulations (or any successor regulation)) and
14 within the lateral boundary of Class B airspace,
15 at commercial service Class C airports (as listed
16 in FAA Order JO 7400.11J (or any successor
17 order)) and within the lateral boundary of Class
18 C airspace in the national airspace system, and
19 at Class D airports that provide passenger serv-
20 ice under part 121 of title 14, Code of Federal
21 Regulations, determined to meet the risk cri-
22 teria set forth in subparagraph (C), including
23 flight operations conducted by the Department
24 of Defense, emergency response providers, and
25 air medical transport operators, to evaluate any

1 associated safety risk on commercial transport
2 airplane operations.

3 (B) CONSULTATION.—In conducting a
4 safety review under subparagraph (A), the Ad-
5 ministrator shall consult with—

- 6 (i) the Secretary of Defense;
- 7 (ii) Federal, State, local, and Tribal
8 agencies;
- 9 (iii) law enforcement agencies;
- 10 (iv) emergency response providers;
- 11 (v) air carriers;
- 12 (vi) aviation labor organizations, in-
13 cluding, at a minimum—

14 (I) the exclusive bargaining rep-
15 resentative of air traffic controllers of
16 the FAA certified under section 7511
17 of title 5, United States Code; and

18 (II) the principal organization
19 representing the largest certified col-
20 lective bargaining representative of
21 airline pilots; and

22 (vii) other stakeholders determined
23 appropriate by the Administrator.

24 (C) PRIORITIZATION AND RISK CRI-
25 TERIA.—In prioritizing the safety reviews of

1 Class B, Class C, and Class D airports de-
2 scribed in subparagraph (A) and conducting the
3 safety reviews pursuant to subparagraph (A),
4 the Administrator shall, at a minimum, con-
5 sider the following risk criteria:

6 (i) The type of airspace the airport is
7 located in and the type of tower at the air-
8 port.

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

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

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

22 (v) The presence of parallel runways.

23 (vi) The presence of visual flights (in
24 this subparagraph referred to as “VFR”)
25 corridors in proximity to the airport.

1 (vii) The presence of a helicopter cor-
2 ridor in proximity to the airport or nearby
3 helicopter operations.

4 (viii) The presence of dense VFR op-
5 erations at the airport,

6 (ix) The presence of complex VFR
7 procedures at the airport or in the adja-
8 cent airspace.

9 (D) DEADLINE OF INITIATION OF RE-
10 VIEWS.—The Administrator shall initiate the
11 reviews under this paragraph by the following
12 deadlines:

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

16 (ii) CLASS C AIRPORTS.—With respect
17 to Class C airports, not later than 90 days
18 after the initiation date of the Class B air-
19 port reviews.

20 (iii) CLASS D AIRPORTS.—With re-
21 spect to Class D airports, not later than
22 90 days after the initiation date of the
23 Class C airport reviews.

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

4 (A) Analyze air traffic and airspace man-
5 agement.

6 (B) Evaluate the level of coordination the
7 Administrator exercises with the Secretary of
8 Defense and the heads of any other Federal
9 agencies, and emergency response providers as
10 appropriate, to inform the designation and ap-
11 proval of airspace use and flight routes for non-
12 transport airplane operations.

13 (C) Assess any risks posed to transport
14 airplanes from military aircraft and rotorcraft,
15 civil rotorcraft, powered lift aircraft, and un-
16 manned aircraft systems operating in Class B
17 or Class C airspace in proximity to Class B or
18 Class C airports.

19 (D) Review relevant incidents submitted to
20 the Administrator through Air Traffic Manda-
21 tory Occurrence reports (as documented via
22 FAA Form 7210-13), Aviation Safety Report-
23 ing System reports, and Aviation Safety Action
24 Program reports, and relevant reports sub-
25 mitted to the Administrator of the National

1 Aeronautics and Space Administration through
2 the Aviation Safety Reporting System, to iden-
3 tify any safety trends regarding the operation
4 of military aircraft and rotorcraft, civil rotor-
5 craft, powered lift aircraft, and unmanned air-
6 craft systems in Class B or Class C airspace
7 near Class B or Class C airports.

8 (4) DEADLINES FOR COMPLETION OF SAFETY
9 REVIEWS.—

10 (A) RONALD REAGAN WASHINGTON NA-
11 TIONAL AIRPORT.—The Administrator shall
12 complete the safety review required by para-
13 graph (1) not later than 120 days after the
14 date on which such review is initiated.

15 (B) OTHER AIRPORTS.—The Adminis-
16 trator shall complete a safety review required
17 by paragraph (2) not later than 180 days after
18 such review is initiated.

19 (5) REPORTS.—

20 (A) REVIEW OF RONALD REAGAN WASH-
21 INGTON NATIONAL AIRPORT.—Not later than
22 60 days after completing the safety review re-
23 quired by paragraph (1), the Administrator
24 shall submit to the appropriate committees of
25 Congress a report detailing the analyses and re-

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

7 (B) OTHER AIRPORT REVIEWS.—Not later
8 than 6 months after the date of enactment of
9 this section, and every 6 months thereafter, the
10 Administrator shall submit to the appropriate
11 committees of Congress, a report detailing the
12 analyses and results of the safety reviews com-
13 pleted pursuant to paragraph (2) since the pre-
14 ceding report under this subparagraph (or, in
15 the case of the first such report, since such date
16 of enactment), together with relevant findings
17 and recommendations, including any corrective
18 action plans to address any risks identified, and
19 recommendations for legislative or administra-
20 tive actions determined appropriate by the Ad-
21 ministrator.

22 (6) DESIGNATION.—The Administrator shall
23 designate a person within the Senior Executive Serv-
24 ice of the FAA to be directly responsible for the
25 completion of the requirements of this subsection.

1 **SEC. 7. FAA-DOD SAFETY INFORMATION SHARING.**

2 (a) MOU WITH THE DEPARTMENT OF THE ARMY.—

3 Not later than 60 days after the date of enactment of this
4 section, the Administrator shall enter into a Memorandum
5 of Understanding with the Secretary of the Army to per-
6 mit, as appropriate, the sharing of information from the
7 Army’s Safety Management Information System with the
8 FAA to facilitate communications and analysis of any ap-
9 plicable impacts to the safety and efficiency of civil avia-
10 tion operations and to mitigate risk in the national air-
11 space system.

12 (b) OTHER DOD MOUS.—Not later than 90 days
13 after the date of enactment of this section, the Adminis-
14 trator shall enter into a Memorandum of Understanding
15 with the following military departments to permit, as ap-
16 propriate, the sharing of information from applicable avia-
17 tion safety information systems to facilitate communica-
18 tions and analysis of any applicable impacts to the safety
19 and efficiency of civil aviation operations and to mitigate
20 risk in the national airspace system:

21 (1) The Department of the Navy.

22 (2) The Department of the Air Force.

23 (3) The Coast Guard.

24 (c) CONGRESSIONAL NOTIFICATION.—Not later than
25 7 days after the date on which the Administrator enters
26 into any Memorandum of Understanding under subsection

1 (a) or (b), the Administrator shall notify the Committee
2 on Commerce, Science, and Transportation and the Com-
3 mittee on Armed Services of the Senate and the Com-
4 mittee on Transportation and Infrastructure and the
5 Committee on Armed Services of the House of Represent-
6 atives.

7 **SEC. 8. REPEAL OF PROVISION REGARDING ADS-B EQUIP-**
8 **MENT ON CERTAIN AIRCRAFT OF DEPART-**
9 **MENT OF DEFENSE.**

10 Section 1046 of the John S. McCain National De-
11 fense Authorization Act for Fiscal Year 2019 (49 U.S.C.
12 40101 note) is repealed.