

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 and Ms. CANT-
WELL)

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:

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

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

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

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

14 (B) broadcasts information from the air-
15 craft in accordance with sections 91.225 and
16 91.227 of such title 14 (or any successor regu-
17 lations).

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

23 (5) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means the Committee on Commerce, Science,

1 and Transportation of the Senate and the Com-
2 mittee on Transportation and Infrastructure of the
3 House of Representatives.

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

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

21 (8) NATIONAL CAPITAL REGION; NCR.—The
22 terms “National Capital Region” and “NCR” mean
23 the geographic area located within the boundaries
24 of—

25 (A) the District of Columbia;

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

3 (C) Arlington, Fairfax, Loudoun, and
4 Prince William Counties and the City of Alex-
5 andria in the Commonwealth of Virginia; and

6 (D) all cities and other units of govern-
7 ment within the geographic areas described in
8 subparagraphs (A) through (C).

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

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

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

19 (10) ROTORCRAFT.—The term “rotorcraft” has
20 the meaning given such term in section 1.1 of title
21 14, Code of Federal Regulations (or any successor
22 regulation).

23 (11) TRANSPORT AIRPLANE.—The term “trans-
24 port airplane” has the meaning given such term in
25 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.

5 SEC. 3. REVISION TO EXCEPTION FOR ADS-B OUT TRANS-
6 MISSION.

7 (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.

15 (2) RULEMAKING AND ADMINISTRATIVE AC-
16 TION.—

(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 Fed-

1 eral, State, local, or Tribal agency to con-
2 form with the revised regulations described
3 in clause (i).

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

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

19 (1) review the utilization of exceptions under
20 section 91.225(f) of title 14, Code of Federal Regu-
21 lations (or any successor regulation), as revised
22 under subsection (a), to determine—

23 (A) whether the Department of Defense
24 and other relevant Federal agencies or other
25 applicable operators have utilized such excep-

1 tions in accordance with relevant laws and reg-
2 ulations; and

3 (B) the extent of such utilization;

4 (2) compare the utilization of exceptions speci-
5 fied in such section 91.225(f) before and after the
6 issuance of revised regulations under subsection (a);
7 and

8 (3) submit to the Administrator and the appro-
9 priate committees of Congress a report on the find-
10 ings of the review conducted under paragraph (1)
11 and the comparison conducted under paragraph (2).

12 (c) FAA REVIEW OF NON-COMPLIANT OPERA-
13 TIONS.—Upon submission of the report under subsection
14 (b)(3), the Administrator shall—

15 (1) determine whether any Federal agency or
16 other applicable operator that has been found to
17 have not utilized the exceptions under section
18 91.225(f) of title 14, Code of Federal Regulations
19 (or any successor regulation), as revised under sub-
20 section (a), in accordance with relevant laws and
21 regulations shall be permitted to continue to utilize
22 such exceptions; and

23 (2) not later than 30 days after the date on
24 which the Comptroller General submits the report

1 under subsection (b)(3), brief the appropriate com-
2 mittees of Congress on such determination.

3 (d) REPORTS.—

4 (1) TO THE ADMINISTRATOR.—Not later than
5 90 days after the date of enactment of this section,
6 and on a quarterly basis thereafter, each Federal,
7 State, local, and Tribal agency that performs sen-
8 sitive government missions as described in section
9 91.225(f)(1) of title 14, Code of Federal Regulations
10 (or any successor regulation), as revised under sub-
11 section (a), shall submit to the Administrator a re-
12 port that includes—

13 (A) an attestation that such operations are
14 regularly transmitting ADS-B Out and are
15 conducted with proper consideration to aviation
16 safety; and

17 (B) a list of operations delineated by flight
18 in which the ADS-B Out equipment is not in
19 transmit mode because the aircraft was per-
20 forming a sensitive government mission, includ-
21 ing the airport, airspace location, date, time,
22 duration, and mission type of each such oper-
23 ation.

24 (2) TO CONGRESS.—

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

11 (i) shall include—

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

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

21 (ii) may include a classified annex.

22 (B) SPECIAL NOTIFICATION.—If an agency
23 described in paragraph (1) operates a flight
24 using an exception granted under section
25 91.225(f)(1) of title 14, Code of Federal Regu-

1 lations (or any successor regulation), as revised
2 under subsection (a), 5 or more times in a cal-
3 endar month, or fails to provide to the Adminis-
4 trator the attestation required under paragraph
5 (1)(A), the Administrator shall notify the ap-
6 propriate committees of Congress of such use
7 within 14 days of being notified of such use.
8 For the purposes of this subparagraph, a flight
9 shall be interpreted as the period beginning
10 when an aircraft moves under its own power for
11 the purpose of flight and ending when the air-
12 craft lands.

13 (e) ANNUAL INSPECTOR GENERAL AUDITS.—

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

24 (2) CONSIDERATIONS.—In conducting an audit
25 under paragraph (1), the Inspector General shall as-

1 sess the efficacy of FAA oversight related to the fol-
2 lowing:

3 (A) Ensuring exceptions under such sec-
4 tion 91.225(f)(1) (or any successor regulation)
5 are strictly utilized by operators in accordance
6 with relevant laws and regulations.

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

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

15 (D) Any other factor determined appro-
16 priate by the Inspector General.

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

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

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

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this section, the Adminis-
25 trator shall issue a final rule in accordance with sec-

1 tion 553 of title 5, United States Code, to require
2 any person operating an aircraft (other than an un-
3 manned aircraft, as defined in section 44801 of title
4 49, United States Code) required to be equipped
5 with ADS-B Out in accordance with section 91.225
6 of title 14, Code of Federal Regulations (or any suc-
7 cessor regulation), to be equipped with and oper-
8 ating with ADS-B In equipment that provides the
9 aircraft with awareness to the location of other air-
10 craft and traffic advisories, unless otherwise author-
11 ized by air traffic control.

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

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

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

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

24 (A) PERFORMANCE STANDARDS.—The Ad-
25 ministrator shall establish appropriate perform-

1 ance requirements for ADS–B In equipment to
2 provide integrated safety-enhancing capabilities
3 for a pilot or other flight crew, including by in-
4 creasing situational awareness to the location of
5 other aircraft and providing traffic advisories
6 with alerting sufficient to provide traffic advi-
7 sory indications while airborne and on the air-
8 port surface, such as visual and aural
9 advisories.

10 (B) ALTERNATIVE EQUIPMENT OR TECH-
11 NOLOGY.—With respect to aircraft with a max-
12 imum certificated takeoff weight of less than
13 12,500 pounds when operating under part 91 of
14 title 14, Code of Federal regulations, the Ad-
15 ministrator shall establish performance require-
16 ments for alternative equipment or technology
17 that the Administrator determines acceptable in
18 satisfying the ADS–B In requirement. The per-
19 formance requirements shall, at a minimum—

20 (i) provide similar situational aware-
21 ness to the location of other airborne traf-
22 fic, as well as traffic advisory information;
23 and

24 (ii) leverage the use of portable ADS–
25 B In receivers or equipment that allow dis-

1 play on an existing or future electronic
2 flight bag or panel mounted display, pro-
3 vided that the installation or use of such
4 equipment does not adversely affect other
5 required avionics or the airworthiness of
6 the aircraft.

7 (C) GUIDANCE.—The Administrator shall
8 issue relevant guidance for aircraft operators
9 and other appropriate stakeholders regarding
10 the types of equipment that satisfy the perform-
11 ance requirements described in this paragraph.

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

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

17 (B) technical assistance to facilitating
18 ADS-B In equipage across the entire fleet of
19 affected aircraft, including, as appropriate,
20 guidance under part 26 of title 14, Code of
21 Federal Regulations, to provide support for af-
22 fected transport airplane operators in complying
23 with the requirements of this section;

24 (C) any other associated guidance nec-
25 essary to assist operators and other stake-

1 holders in identifying equipment that satisfies
2 the ADS-B In performance standards described
3 in paragraph (3) prior to the compliance dead-
4 line described in paragraph (2)(B);

5 (D) a determination of alternative equip-
6 ment or technology described in subsection (e);
7 and

8 (E) a presumption, absent clear and com-
9 pelling evidence to the contrary, that ADS-B In
10 equipment is cost beneficial and improves avia-
11 tion safety.

12 (b) NEGOTIATED RULEMAKING COMMITTEE.—

13 (1) COMMITTEE.—

14 (A) IN GENERAL.—Not later than 60 days
15 after the date of enactment of this section, the
16 Administrator may establish a negotiated rule-
17 making committee (in this section referred to as
18 the “committee”) pursuant to section 565 of
19 title 5, United States Code, to negotiate pro-
20 posed regulations to implement the require-
21 ments described in subsection (a).

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

25 (i) representatives of—

- 1 (I) the FAA;
2 (II) air carriers;
3 (III) avionics manufacturers;
4 (IV) aircraft manufacturers; and
5 (V) general aviation organiza-
6 tions;

7 (ii) the exclusive bargaining represent-
8 ative of air traffic controllers of the FAA
9 certified under section 7511 of title 5,
10 United States Code, and labor organiza-
11 tions representing air carrier pilots, includ-
12 ing the principal organization representing
13 the largest certified collective bargaining
14 representative of airline pilots;

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

17 (iv) any other representatives deter-
18 mined appropriate by the Administrator.

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

22 (A) IN GENERAL.—The Administrator
23 shall direct the committee to make rec-
24 ommendations relating to—

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

1 (ii) ADS-B In equipment perform-
2 ance standards pursuant to subsection
3 (a)(3);

4 (iii) the consideration of effective ap-
5 proaches to facilitating ADS-B In equi-
6 page across the entire fleet of affected air-
7 craft, including requirements under part
8 26 of title 14, Code of Federal Regula-
9 tions, to provide support for affected trans-
10 port category airplane operators in com-
11 plying with the requirements of this sec-
12 tion; and

13 (iv) with respect to aircraft with a
14 maximum certificated takeoff weight of
15 less than 12,500 pounds when operating
16 under part 91 of title 14, Code of Federal
17 Regulations, a recommendation for low
18 cost alternative equipment or technology in
19 accordance with subsection (e).

20 (B) LACK OF COMMITTEE CONSENSUS.—In
21 the event the committee does not reach a con-
22 sensus regarding a recommendation for low cost
23 alternative equipment or technology under sub-
24 paragraph (A)(iv), the Administrator shall,
25 after the submission of the committee under

1 paragraph (3), consider prescribing a low cost
2 alternative that includes the criteria described
3 in subsection (e).

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

9 (A) a consensus proposal of regulations to
10 implement the requirement described in sub-
11 section (a)(1); or

12 (B) in the event the committee does not
13 reach a consensus, a report identifying any
14 points of agreement and disagreement with re-
15 spect to such proposed regulations.

16 (4) PROPOSED RULE.—If the Administrator
17 elects to establish a committee under this subsection,
18 not later than 180 days after receiving the submis-
19 sion of the committee under paragraph (3), the Ad-
20 ministrator shall issue a proposed rule, in accord-
21 ance with section 553 of title 5, United States Code,
22 that either—

23 (A) to the maximum extent possible con-
24 sistent with the legal obligations of the FAA,
25 uses the consensus proposal of the committee

1 under paragraph (3)(A) as the basis for the
2 proposed rule for notice and comment, includ-
3 ing with respect to any standards or require-
4 ments described in subsection (a)(3); or

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

9 (c) CONSULTATION REQUIRED WITHOUT NEGO-
10 TIATED RULEMAKING COMMITTEE.—If the Administrator
11 does not establish a committee under subsection (b), prior
12 to issuing a final rule, the Administrator shall consult with
13 appropriate stakeholders in conducting the rulemaking re-
14 quired under subsection (a)(1), including at a minimum
15 the representatives described in subsection (b)(1)(B).

16 (d) PHASED-IN RETROFIT.—

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

19 (A) establish a process by which the oper-
20 ator of an affected aircraft, in service as of the
21 date on which the final rule under subsection
22 (a)(1) is published in the Federal Register in
23 accordance with subsection (a)(2)(A), may
24 apply to the Administrator to request additional
25 time, not to exceed a period of 1 year after the

1 deadline described in subsection (a)(2)(B), to fi-
2 nalize equipage of its fleet and make ADS-B In
3 operational, provided that—

4 (i) an aircraft operator, owner, or
5 their agent submits an application deemed
6 acceptable to the Administrator for addi-
7 tional time for compliance, including a jus-
8 tification for such request and an attesta-
9 tion of actions to-date demonstrating
10 progress toward achieving compliance;

11 (ii) the Administrator, in consultation
12 with the Secretary of Transportation, de-
13 termines additional time is required to
14 mitigate a significant disruption to air
15 transportation; and

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

21 (B) notify the appropriate committees of
22 Congress not later than 14 days after making
23 a determination under clause (ii) or (iii) of sub-
24 paragraph (A).

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

9 (e) LOW COST ALTERNATIVE METHOD OF COMPLI-
10 ANCE.—In issuing a final rule under subsection (a)(1), the
11 Administrator shall determine low cost equipment or tech-
12 nologies that provide similar situational awareness to the
13 location of other airborne traffic, as well as traffic advi-
14 sory information, that satisfy the ADS-B In equipage re-
15 quirement for aircraft with a maximum certificated take-
16 off weight of less than 12,500 pounds when operated
17 under part 91 of title 14, Code of Federal Regulations.
18 In making such a determination, the Administrator shall
19 consider the use of—

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

21 (2) equipment that allows display on an existing
22 or future electronic flight bag or panel mounted dis-
23 play, provided the installation or use does not ad-
24 versely affect other required avionics or the air-
25 worthiness of the aircraft.

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

8 (g) SEPARATION STANDARDS; RELEVANT CON-
9 TROLLER TRAINING.—

10 (1) RULEMAKING.—

11 (A) IN GENERAL.—Not later than 18
12 months after the effective date of the final rule
13 described in subsection (a), the Administrator
14 shall issue a notice of proposed rulemaking to
15 establish separation standards, as appropriate,
16 that leverage ADS–B Out or ADS–B In equip-
17 ment, and all other available technological capa-
18 bilities in the air traffic control system, to
19 achieve safety and efficiency benefits through-
20 out the national airspace system, including on
21 an airport surface and within Class E airspace
22 (as defined in section 71.71 of title 14, Code of
23 Federal Regulations, or any successor regula-
24 tion).

1 (B) CONSULTATION.—In conducting the
2 rulemaking under this subsection, the Adminis-
3 trator shall consult with appropriate stake-
4 holders, including, at a minimum—

5 (i) representatives of—

6 (I) air carriers;

7 (II) original equipment manufac-
8 turers; and

9 (III) general aviation organiza-
10 tions;

11 (ii) labor organizations representing
12 air carrier pilots, including the principal
13 organization representing the largest cer-
14 tified collective bargaining representative
15 of airline pilots;

16 (iii) the exclusive bargaining rep-
17 resentative of air traffic controllers of the
18 FAA certified under section 7111 of title
19 5, United States Code;

20 (iv) aviation safety experts from out-
21 side the FAA; and

22 (v) any other stakeholder deemed ap-
23 propriate by the Administrator.

24 (2) REQUIRED UPDATES TO FAA ORDERS.—Not
25 later than 18 months after the issuance of the notice

1 of proposed rulemaking under paragraph (1)(A), the
2 Administrator shall complete revisions, as appro-
3 priate, to FAA Order 7110.65 and other relevant
4 FAA Orders, to increase safety and efficiency bene-
5 fits in the national airspace system.

6 (3) RELEVANT CONTROLLER TRAINING.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the compliance deadline described in sub-
9 section (a)(2), the Administrator shall revise
10 initial and recurrent air traffic controller train-
11 ing, as appropriate, in accordance with FAA
12 Orders 3000.22 and 3120.4 and revised associ-
13 ated orders and directives, as appropriate, to
14 ensure such controllers are trained to apply any
15 new separation standards and procedures.

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

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

22 (ii) consult with the exclusive bar-
23 gaining representative of air traffic con-
24 trollers of the FAA certified under section
25 7111 of title 5, United States Code.

1 (h) ACAS–X ACTION PLAN.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of enactment of this section, the Ad-
4 ministrator shall submit to the appropriate commit-
5 tees of Congress an action plan for advancing the
6 deployment of the Airborne Collision Avoidance Sys-
7 tem-X (in this section referred to as “ACAS-X”), or
8 any variant or successor technology, in the national
9 airspace system. The Administrator shall publish the
10 action plan in a publicly available format not later
11 than 10 days after submitting such action plan to
12 Congress.

13 (2) CONTENTS.—In developing the action plan
14 under paragraph (1), the Administrator shall in-
15 clude—

16 (A) a strategic roadmap for the deploy-
17 ment of ACAS-X technology, including steps re-
18 quired for widespread adoption among aircraft
19 operators (including rotorcraft operators);

20 (B) actions and funding necessary to com-
21 plete any applicable research, development, test-
22 ing, evaluation, and standards development
23 needed to support the certification of such tech-
24 nology;

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

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

5 (ii) aviation safety experts outside the
6 FAA;

7 (iii) avionics manufacturers;

8 (iv) aircraft manufacturers;

9 (v) general aviation organizations;

10 (vi) the exclusive bargaining rep-
11 resentative of air traffic controllers of the
12 FAA certified under section 7511 of title
13 5, United States Code;

14 (vii) labor organizations representing
15 air carrier pilots, including the principal
16 organization representing the largest cer-
17 tified collective bargaining representative
18 of airline pilots; and

19 (viii) any other stakeholders deter-
20 mined appropriate by the Administrator;

21 (D) engagement with foreign civil aviation
22 authorities to harmonize international stand-
23 ards for certification of such technology;

24 (E) ACAS-X interoperability consider-
25 ations for aircraft operators (including rotor-

1 craft operators) equipped with ADS-B Out and
2 ADS-B In equipment;

3 (F) an assessment of safety benefits for
4 aircraft operators equipping with such tech-
5 nology, including civil and military operators;
6 and

7 (G) any recommendations for administra-
8 tive or legislative action, as determined appro-
9 priate by the Administrator, to advance such
10 technology deployment.

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

14 (4) BRIEFING.—Not later than 30 days after
15 the date on which the Administrator submits the ac-
16 tion plan under paragraph (1), the Administrator
17 shall brief the appropriate committees of Congress
18 on the contents of such action plan and any prospec-
19 tive actions to implement such plan.

20 (i) ARAC TASKING.—

21 (1) IN GENERAL.—The Administrator shall
22 task the Aviation Rulemaking Advisory Committee
23 (in this section referred to as the “ARAC”) with re-
24 viewing and assessing the need for aircraft operating

1 in Class D airspace to be equipped with ADS-B Out
2 and ADS-B In equipment.

3 (2) REPORT AND RECOMMENDATIONS.—Not
4 later than 1 year after initiating the review and as-
5 sessment under this section, the ARAC shall submit
6 to the Administrator—

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

9 (B) any recommendations for legislative or
10 regulatory action the ARAC determines appro-
11 priate.

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

16 (A) the findings and recommendations in-
17 cluded in such report; and

18 (B) any plan to implement such rec-
19 ommendations, including a justification for any
20 recommendations the Administrator determines
21 should not be implemented.

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

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of enactment of this section, the Inspector General
25 of the Army shall initiate an audit to evaluate the Army's

1 coordination with the FAA, pilot training, and qualifica-
2 tion standards, and the Army's use of ADS-B Out and
3 whether it adheres to Army policy, regulation, and law.

4 (b) ASSESSMENT.—In conducting the audit required
5 by subsection (a), the Inspector General of the Army shall
6 assess practices and recommendations for the Army, in-
7 cluding—

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

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

15 (3) maintenance protocols for UH-60 Black
16 Hawk helicopters operated by the 12th Army Avia-
17 tion Brigade including, but not limited to, the cali-
18 bration of any system that transmits altitude and
19 position information outside the aircraft and the
20 calibration of systems that sends altitude and posi-
21 tion information to the pilots inside the aircraft;

22 (4) compliance with the September 29, 2021,
23 Letter of Agreement executed between the Pentagon
24 Heliport Air Traffic Control Tower and the Ronald
25 Reagan Washington National Airport Air Traffic

1 Control Tower regarding flight operations in the
2 NCR; and

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

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

9 (1) transmit a report on the results of the
10 audit, without redactions, to the Committee on Com-
11 merce, Science, and Transportation and the Com-
12 mittee on Armed Services of the Senate and the
13 Committee on Transportation and Infrastructure
14 and the Committee on Armed Services of the House
15 of Representatives; and

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

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

20 (a) FAA-DOD COORDINATION.—Not later than 30
21 days after the date of enactment of this section, the Ad-
22 ministrator shall establish or designate an office within the
23 FAA as the “Office of FAA-DOD Coordination” (in this
24 section referred to as the “Office”), which shall—

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

4 (2) carry out the safety review required by sub-
5 section (b).

6 (b) SAFETY REVIEWS.—

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

9 (A) IN GENERAL.—Not later than 30 days
10 after the date on which the Office is established
11 or designated, the Administrator shall initiate a
12 safety review of all military, law enforcement,
13 and civilian rotary wing, powered lift, fixed
14 wing, and unmanned aircraft system flight op-
15 erations and flight routes in the Washington
16 D.C. Metropolitan Area Special Flight Rules
17 Area, including but not limited to flight oper-
18 ations conducted by the Department of De-
19 fense, emergency response providers, and air
20 medical transport operators, to evaluate any as-
21 sociated safety risk on commercial transport
22 airplane operations at Ronald Reagan Wash-
23 ington National Airport.

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

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

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

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

20 (vii) other stakeholders determined
21 appropriate by the Administrator.

22 (2) OTHER AIRPORT REVIEWS.—

23 (A) IN GENERAL.—The Administrator
24 shall conduct safety reviews of all military, law
25 enforcement and civilian rotary wing, powered

1 lift, fixed wing, and unmanned aircraft system
2 flight operations and flight routes at other
3 Class B airports (as listed in section 1 of Ap-
4 pendix D to part 91 of title 14, Code of Federal
5 Regulations (or any successor regulation)) in
6 Class B airspace and at Class C airports (as
7 listed in FAA Order JO 7400.11J (or any suc-
8 cessor order)) in Class C airspace in the na-
9 tional airspace system, including flight oper-
10 ations conducted by the Department of De-
11 fense, emergency response providers, and air
12 medical transport operators, to evaluate any as-
13 sociated safety risk on commercial transport
14 airplane operations.

15 (B) CONSULTATION.—In conducting a
16 safety review under subparagraph (A), the Ad-
17 ministrator shall consult with—

- 18 (i) the Secretary of Defense;
- 19 (ii) Federal, State, local, and Tribal
20 agencies;
- 21 (iii) law enforcement agencies;
- 22 (iv) emergency response providers;
- 23 (v) air carriers;
- 24 (vi) aviation labor organizations, in-
25 cluding, at a minimum—

1 (I) the exclusive bargaining rep-
2 resentative of air traffic controllers of
3 the FAA certified under section 7511
4 of title 5, United States Code; and

5 (II) the principal organization
6 representing the largest certified col-
7 lective bargaining representative of
8 airline pilots; and

9 (vii) other stakeholders determined
10 appropriate by the Administrator.

11 (C) PRIORITIZATION.—

12 (i) IN GENERAL.—Not later than 90
13 days after the date of enactment of this
14 section, for the sole purpose of carrying
15 out the safety reviews required by subpara-
16 graph (A), the Administrator shall classify
17 Class B and Class C airports into the fol-
18 lowing categories based on the volume of
19 mixed air traffic at each airport, as deter-
20 mined by the Administrator, and prioritize
21 such reviews accordingly:

22 (I) Class B airports with higher
23 volumes of mixed air traffic.

24 (II) Class B airports with lower
25 volumes of mixed air traffic.

1 (III) Class C airports with higher
2 volumes of mixed air traffic.

3 (IV) Class C airports with lower
4 volumes of mixed air traffic.

5 (ii) SPECIAL RULE.—For purposes of
6 classifying airports under clause (i)(I)
7 based on volumes of mixed traffic, the Ad-
8 ministrator may group airports by the
9 total number of air traffic operations at
10 each such airport as of calendar year
11 2024, as reported in the Operations Net-
12 work (OPSNET) data of the FAA.

13 (D) DEADLINE OF INITIATION OF RE-
14 VIEWS.—The Administrator shall initiate the
15 review under subparagraph (A) in accordance
16 with the following deadlines:

17 (i) CLASS B AIRPORTS WITH HIGHER
18 VOLUMES.—With respect to Class B air-
19 ports in the category under subparagraph
20 (C)(i)(I), not later than 90 days after the
21 date of enactment of this section.

22 (ii) CLASS B AIRPORTS WITH LOWER
23 VOLUMES.—With respect to Class B air-
24 ports in the category under subparagraph

1 (C)(i)(II), not later than 90 days after the
2 deadline described in subparagraph (C)(i).

3 (iii) CLASS C AIRPORTS WITH HIGHER
4 VOLUMES.—With respect to Class C air-
5 ports in the category under subparagraph
6 (C)(i)(III), not later than 180 days after
7 the date of enactment of this section.

8 (iv) CLASS C AIRPORTS WITH LOWER
9 VOLUMES.—With respect to Class C air-
10 ports in the category under subparagraph
11 (C)(i)(IV), not later than 180 days after
12 the deadline described in subparagraph
13 (C)(i).

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

17 (A) Analyze air traffic and airspace man-
18 agement.

19 (B) Evaluate the level of coordination the
20 Administrator exercises with the Secretary of
21 Defense and the heads of any other Federal
22 agencies, and emergency response providers as
23 appropriate, to inform the designation and ap-
24 proval of airspace use and flight routes for non-
25 transport airplane operations.

1 (C) Assess any risks posed to transport
2 airplanes from military aircraft and rotorcraft,
3 civil rotorcraft, powered lift aircraft, and un-
4 manned aircraft systems operating in Class B
5 or Class C airspace in proximity to Class B or
6 Class C airports.

7 (D) Review relevant incidents submitted to
8 the Administrator through Air Traffic Manda-
9 tory Occurrence reports (as documented via
10 FAA Form 7210-13), Aviation Safety Report-
11 ing System reports, and Aviation Safety Action
12 Program reports, and relevant reports sub-
13 mitted to the Administrator of the National
14 Aeronautics and Space Administration through
15 the Aviation Safety Reporting System, to iden-
16 tify any safety trends regarding the operation
17 of military aircraft and rotorcraft, civil rotor-
18 craft, powered lift aircraft, and unmanned air-
19 craft systems in Class B or Class C airspace
20 near Class B or Class C airports.

21 (4) DEADLINES FOR COMPLETION OF SAFETY
22 REVIEWS.—

23 (A) RONALD REAGAN WASHINGTON NA-
24 TIONAL AIRPORT.—The Administrator shall
25 complete the safety review required by para-

1 graph (1) not later than 120 days after the
2 date on which such review is initiated.

3 (B) OTHER AIRPORTS.—

4 (i) CLASS B AIRPORTS WITH HIGHER
5 VOLUMES.—The Administrator shall com-
6 plete the safety reviews required by para-
7 graph (2) of Class B airports in the cat-
8 egory under subparagraph (C)(i)(I) of such
9 paragraph not later than 2 years after the
10 date on which the first such review is initi-
11 ated.

12 (ii) CLASS B AIRPORTS WITH LOWER
13 VOLUMES.—The Administrator shall com-
14 plete the safety review required by para-
15 graph (2) of Class B airports in the cat-
16 egory under subparagraph (C)(i)(II) of
17 such paragraph not later than 2 years
18 after the deadline for completion of the re-
19 views under clause (i).

20 (iii) CLASS C AIRPORTS WITH HIGHER
21 VOLUMES.—The Administrator shall com-
22 plete the safety reviews required by para-
23 graph (2) of Class C airports in the cat-
24 egory under subparagraph (C)(i)(III) of
25 such paragraph not later than 2 years

1 after the date on which the first such re-
2 view is initiated.

3 (iv) CLASS C AIRPORTS WITH LOWER
4 VOLUMES.—The Administrator shall com-
5 plete the safety review required by para-
6 graph (2) of Class C airports in the cat-
7 egory under subparagraph (C)(i)(IV) of
8 such paragraph not later than 2 years
9 after the deadline for completion of the re-
10 views under clause (iii).

11 (5) REPORTS.—

12 (A) REVIEW OF RONALD REAGAN WASH-
13 NGTON NATIONAL AIRPORT.—Not later than
14 60 days after completing the safety review re-
15 quired by paragraph (1), the Administrator
16 shall submit to the appropriate committees of
17 Congress a report detailing the analyses and re-
18 sults of such review, together with relevant
19 findings and recommendations, including any
20 corrective action plans to address any risks
21 identified, and recommendations for legislative
22 or administrative action determined appropriate
23 by the Administrator.

24 (B) OTHER AIRPORT REVIEWS.—Not later
25 than 60 days after completing any individual

1 group of safety reviews required by paragraph
2 (2), the Administrator shall submit to the ap-
3 propriate committees of Congress a report de-
4 tailing the analyses and results of such group of
5 safety reviews, together with relevant findings
6 and recommendations, including any corrective
7 action plans to address any risks identified, and
8 recommendations for legislative or administra-
9 tive action determined appropriate by the Ad-
10 ministrator.

11 (6) DESIGNATION.—The Administrator shall
12 designate a person within the Senior Executive Serv-
13 ice of the FAA to be directly responsible for the
14 completion of the requirements of this subsection.

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

16 (a) MOU WITH THE DEPARTMENT OF THE ARMY.—
17 Not later than 60 days after the date of enactment of this
18 section, the Administrator shall enter into a Memorandum
19 of Understanding with the Secretary of the Army to per-
20 mit, as appropriate, the sharing of information from the
21 Army's Safety Management Information System with the
22 FAA to facilitate communications and analysis of any ap-
23 plicable impacts to the safety and efficiency of civil avia-
24 tion operations and to mitigate risk in the national air-
25 space system.

1 (b) OTHER DOD MOUS.—Not later than 90 days
2 after the date of enactment of this section, the Adminis-
3 trator shall enter into a Memorandum of Understanding
4 with the following military departments to permit, as ap-
5 propriate, the sharing of information from applicable avia-
6 tion safety information systems to facilitate communica-
7 tions and analysis of any applicable impacts to the safety
8 and efficiency of civil aviation operations and to mitigate
9 risk in the national airspace system:

10 (1) The Department of the Navy.

11 (2) The Department of the Air Force.

12 (3) The Coast Guard.

13 (c) CONGRESSIONAL NOTIFICATION.—Not later than
14 7 days after the date on which the Administrator enters
15 into any Memorandum of Understanding under subsection
16 (a) or (b), the Administrator shall notify the Committee
17 on Commerce, Science, and Transportation and the Com-
18 mittee on Armed Services of the Senate and the Com-
19 mittee on Transportation and Infrastructure and the
20 Committee on Armed Services of the House of Represent-
21 atives.

1 **SEC. 8. REPEAL OF PROVISION REGARDING ADS-B EQUIP-**
2 **MENT ON CERTAIN AIRCRAFT OF DEPART-**
3 **MENT OF DEFENSE.**

4 Section 1046 of the John S. McCain National De-
5 fense Authorization Act for Fiscal Year 2019 (49 U.S.C.
6 40101 note) is repealed.