



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3929

To require the Administrator of the Federal Aviation Administration to acquire and install certified airborne position reference tools at air traffic control towers, 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. SHEEHY

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 “Air Traffic Situational
5 Awareness Enhancement Act”.

6 **SEC. 2. IMPROVEMENTS TO AIR TRAFFIC SITUATIONAL**
7 **AWARENESS.**

8 (a) AIRBORNE POSITION REFERENCE TOOL INSTAL-
9 LATION.—Section 47124(f) of title 49, United States
10 Code, is amended by adding at the end the following new
11 paragraph:

1 “(4) AIRBORNE POSITION REFERENCE
2 TOOLS.—

3 “(A) FEDERAL ACQUISITION.—For any
4 tower operated under the Contract Tower Pro-
5 gram that is not equipped with a Standard Ter-
6 minal Automation Replacement System or an-
7 other situational awareness tool that provides
8 an equivalent level of safety, the Secretary shall
9 acquire, install, and maintain an Airborne Posi-
10 tion Reference Tool approved under this para-
11 graph.

12 “(B) AIRPORT ACQUISITION.—The Sec-
13 retary shall allow an airport sponsor or airport
14 operator to independently acquire, install, and
15 maintain an Airborne Position Reference Tool
16 approved under this paragraph.

17 “(C) SUBSEQUENT INSTALLATION OF
18 STANDARD TERMINAL AUTOMATION REPLACE-
19 MENT SYSTEM.—The acquisition or installation
20 of an Airborne Position Reference Tool under
21 subparagraph (A) or (B) shall not preclude the
22 subsequent acquisition, installation, or mainte-
23 nance of a Standard Terminal Automation Re-
24 placement System, or any equivalent system, if

1 the Secretary determines that such system is
2 operationally appropriate.

3 “(D) PRESERVATION OF APPROVAL AU-
4 THORITY.—Nothing in this paragraph shall be
5 construed to limit or otherwise affect the au-
6 thority of the Secretary under paragraphs (1)
7 and (3) to approve advanced equipment and
8 technologies for use by air traffic controllers at
9 towers operated under the Contract Tower Pro-
10 gram.

11 “(E) NO TRANSFER OF RESPONSIBILITY.—
12 Nothing in this paragraph shall be construed to
13 transfer to an airport operator the responsi-
14 bility of the Secretary to acquire, install, or
15 maintain an Airborne Position Reference Tool
16 required under subparagraph (A) or (B).”.

17 (b) DEPLOYMENT SCHEDULE AND
18 PRIORITIZATION.—

19 (1) DEPLOYMENT PLAN.—

20 (A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this section,
22 the Administrator of the Federal Aviation Ad-
23 ministration (in this section referred to as the
24 “Administrator”) shall develop a plan for the
25 acquisition and installation of approved Air-

1 borne Position Reference Tools required under
2 section 47124(f)(4)(A) of title 49, United
3 States Code (as amended by subsection (a)).

4 (B) SUBMISSION TO CONGRESS.—Not later
5 than 30 days after developing the plan under
6 subparagraph (A), the Administrator shall sub-
7 mit the plan to Congress.

8 (2) COMMENCEMENT.—Not later than 1 year
9 after the date of enactment of this section, the Ad-
10 ministrator shall commence installation of approved
11 Airborne Position Reference Tools under section
12 47124(f)(4)(A) of title 49, United States Code (as
13 so amended).

14 (3) COMPLETION.—The Administrator shall
15 complete the acquisition and installation of such ap-
16 proved Airborne Position Reference Tools at—

17 (A) not fewer than 50 percent of the air
18 traffic control towers described in such section
19 47124(f)(4)(A) of title 49, United States Code,
20 not later than 18 months after the date of en-
21 actment of this section, in accordance with the
22 prioritization described in paragraph (4) to the
23 towers identified as having the greatest need;
24 and

1 (B) all air traffic control towers described
2 in such section 47124(f)(4)(A) of title 49,
3 United States Code, not later than 2 years after
4 the date of enactment of this section.

5 (4) PRIORITIZATION.—In carrying out this sec-
6 tion, the Administrator shall give priority to air traf-
7 fic control towers based on the relative operational
8 safety need for enhanced situational awareness at
9 the airport, taking into consideration—

10 (A) the number and type of aircraft oper-
11 ations at the airport;

12 (B) the complexity of the airspace sur-
13 rounding the airport;

14 (C) the number and severity of runway in-
15 cursions, surface incidents, near midair colli-
16 sions, and other relevant safety events at or in
17 the vicinity of the airport;

18 (D) the availability of radar displays or
19 other traffic situational awareness capabilities
20 to air traffic controllers at the tower;

21 (E) the proximity of the airport to Class B
22 or Class C airspace or other areas of high-den-
23 sity aircraft operations;

1 (F) the presence at the airport of oper-
2 ations pursuant to part 121 of title 14, Code of
3 Federal Regulations; and

4 (G) such other operational safety factors
5 as the Administrator determines appropriate.

6 (c) STANDARD TERMINAL AUTOMATION REPLACE-
7 MENT SYSTEM FUNDING.—Section 47124(f)(3) of title
8 49, United States Code, is amended—

9 (1) in subparagraph (B), by inserting “and”
10 after the semicolon; and

11 (2) by striking subparagraphs (C) through (E)
12 and inserting the following:

13 “(C) shall establish, in consultation with
14 contract tower operators and representatives of
15 air traffic controllers employed at such towers,
16 an appropriate training program to periodically
17 train air traffic controllers employed by such
18 operators to ensure proper and efficient inte-
19 gration and use of the situational awareness
20 equipment and technology described in para-
21 graph (1) into contract tower operations.”.

22 (d) RETROACTIVITY.—Notwithstanding any other
23 provision of law, and subject to the availability of appro-
24 priations, the Secretary of Transportation shall, from
25 amounts otherwise made available to the Federal Aviation

1 Administration for the acquisition and installation of situ-
2 ational awareness systems, provide reimbursement to an
3 airport sponsor or operator of an air traffic control tower
4 described in section 47124(f)(4) of title 49, United States
5 Code (as amended by subsection (a)) for amounts ex-
6 pended to acquire and install any approved situational
7 awareness system, including an Airborne Position Ref-
8 erence Tool approved for use under section 47124(f)(4)
9 of title 49, United States Code, that was independently
10 acquired and installed before the date on which the Ad-
11 ministrator installs an Airborne Position Reference Tool
12 at such tower under section 47124(f)(4)(A) of title 49,
13 United States Code (as so amended).

14 (e) AUTHORIZED EXPENDITURES FOR AIR NAVIGA-
15 TION FACILITIES AND EQUIPMENT.—Section 48101(c) of
16 title 49, United States Code, is amended by adding at the
17 end the following new paragraph:

18 “(10) The acquisition and installation of ap-
19 proved Airborne Position Reference Tools at air
20 traffic control towers that are operating under con-
21 tract with the Federal Aviation Administration
22 under section 47124 and are not equipped with
23 Standard Terminal Automation Replacement Sys-
24 tems or other situational awareness tools that pro-
25 vide an equivalent level of safety.”.

1 (f) OPERATING AND MAINTENANCE COSTS.—
2 Amounts made available to the Federal Aviation Adminis-
3 tration for operations may be used for subscription fees,
4 data-service fees, software licensing fees, maintenance,
5 and other recurring costs necessary to operate and main-
6 tain an approved Airborne Position Reference Tool ac-
7 quired or installed pursuant to subparagraph (A) or (B)
8 of section 47124(f)(4) of title 49, United States Code (as
9 amended by subsection (a)).