



AMENDMENT NO. _____ Calendar No. _____

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

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

AMENDMENT N^o 3970	
To re	By <u>Cruz</u> the
	To: _____ ston
Ref	<u>S. 1071</u> and
	<u>45</u>
	Page(s)
<small>GPO: 2024 57-806 (mac)</small>	

AMENDMENT intended to be proposed by Mr. CRUZ (for himself and Ms. CANTWELL) **Mr. Moran, Ms. Duckworth, Mr. Marshall, Ms. Klobuchar, Ms. Blackburn, Mr. Warnock, Mr. Warner**

Viz:

- 1 In title III of division A, insert after subtitle E the
- 2 following new subtitle:

- 3 **Subtitle F—ROTOR Act**

- 4 **SEC. 391. SHORT TITLE.**

- 5 This subtitle may be cited as the “Rotorcraft Oper-
- 6 ations Transparency and Oversight Reform Act” or the
- 7 “ROTOR Act”.

- 8 **SEC. 392. DEFINITIONS.**

- 9 In this subtitle:

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. 393. REVISION TO EXCEPTION FOR ADS-B OUT TRANS-**
9 **MISSION.**

10 (a) ADS-B OUT REFORMS.—

11 (1) IN GENERAL.—

12 (A) SENSITIVE GOVERNMENT MISSION.—
13 Beginning on the date of enactment of this sec-
14 tion, in applying section 91.225(f)(1) of title
15 14, Code of Federal Regulations, the term
16 “sensitive government mission” shall be nar-
17 rowly construed and shall not include routine
18 flights, non-classified flights, proficiency flights,
19 or flights of Federal officials below the rank of
20 Cabinet Member or the Chairman of the Joint
21 Chiefs of Staff.

22 (B) NOTIFICATION.—For the purposes of
23 interpreting section 91.225(f)(1) of title 14,
24 Code of Federal Regulations, the operating
25 agency shall—

1 (i) when operating a sensitive govern-
2 ment mission during which the aircraft will
3 not be transmitting ADS-B Out, notify
4 Air Traffic Control; and

5 (ii) when operating a sensitive govern-
6 ment mission within Class B airspace, no-
7 tify the Committee on Commerce, Science,
8 and Transportation and the Committee on
9 the Armed Services of the Senate and the
10 Committee on Transportation and Infra-
11 structure and the Committee on the Armed
12 Services of the House of Representatives
13 not later than 72 hours after the conclu-
14 sion of such operation.

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

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

20 (i) issue or revise regulations to up-
21 date section 91.225(f) of title 14, Code of
22 Federal Regulations, to comply with the
23 requirements of this section; and

24 (ii) revise any memorandum of agree-
25 ment 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), including any agreement pur-
4 suant to section 1046 of the John S.
5 McCain National Defense Authorization
6 Act for Fiscal Year 2019 (49 U.S.C.
7 40101 note).

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 TIONS.—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;

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; and

3 (C) with respect to any classified oper-
4 ation, a classified annex.

5 (2) TO CONGRESS.—

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

16 (i) shall include—

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

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

1 (ii) may include a classified annex.

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

18 (e) ANNUAL INSPECTOR GENERAL AUDITS.—

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

1 Federal Regulations (or any successor regulation),
2 as revised under subsection (a), including Federal
3 agency operations.

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

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

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

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

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

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

1 **SEC. 394. 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 (5) CONGRESSIONAL BRIEFINGS.—Not later
19 than 180 days after the date of enactment of this
20 section, and every 90 days thereafter, the Adminis-
21 trator shall brief the appropriate committees of Con-
22 gress, as well as publish a publicly available report,
23 on the status of—

24 (A) the ADS-B In rulemaking required
25 under paragraph (1); and

1 (B) after the compliance deadline described
2 in paragraph (2)(A), the implementation and
3 oversight of such ADS-B In requirement.

4 (b) NEGOTIATED RULEMAKING COMMITTEE.—

5 (1) COMMITTEE.—

6 (A) IN GENERAL.—Not later than 60 days
7 after the date of enactment of this section, the
8 Administrator may establish a negotiated rule-
9 making committee (in this section referred to as
10 the “committee”) pursuant to section 565 of
11 title 5, United States Code, to negotiate pro-
12 posed regulations to implement the require-
13 ments described in subsection (a).

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

17 (i) representatives of—

18 (I) the FAA;

19 (II) air carriers;

20 (III) avionics manufacturers;

21 (IV) aircraft manufacturers; and

22 (V) general aviation organiza-
23 tions;

24 (ii) the exclusive bargaining represent-
25 ative of air traffic controllers of the FAA

1 certified under section 7511 of title 5,
2 United States Code;

3 (iii) organizations representing cer-
4 tified collective bargaining representatives
5 of airline pilots, including the principal or-
6 ganization representing the largest cer-
7 tified collective bargaining representative
8 of airline pilots;

9 (iv) aviation safety experts outside of
10 the FAA; and

11 (v) any other representatives deter-
12 mined appropriate by the Administrator.

13 (C) REQUIRED CONSULTATION.—In estab-
14 lishing a committee under this subsection, the
15 Administrator—

16 (i) shall consult with the Secretary of
17 Defense and the Secretary of Homeland
18 Security; and

19 (ii) may consult with other Federal
20 agencies as appropriate.

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

1 (A) IN GENERAL.—The Administrator
2 shall direct the committee to make rec-
3 ommendations relating to—

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

5 (ii) ADS-B In equipment perform-
6 ance standards pursuant to subsection
7 (a)(3);

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

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

24 (B) LACK OF COMMITTEE CONSENSUS.—In
25 the event the committee does not reach a con-

1 sensus regarding a recommendation for low cost
2 alternative equipment or technology under sub-
3 paragraph (A)(iv), the Administrator shall,
4 after the submission of the committee under
5 paragraph (3), consider prescribing a low cost
6 alternative that includes the criteria described
7 in subsection (e).

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

13 (A) a consensus proposal of regulations to
14 implement the requirement described in sub-
15 section (a)(1); or

16 (B) in the event the committee does not
17 reach a consensus, a report identifying any
18 points of agreement and disagreement with re-
19 spect to such proposed regulations.

20 (4) PROPOSED RULE.—If the Administrator
21 elects to establish a committee under this subsection,
22 not later than 180 days after receiving the submis-
23 sion of the committee under paragraph (3), the Ad-
24 ministrator shall issue a proposed rule, in accord-

1 ance with section 553 of title 5, United States Code,
2 that either—

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

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

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

21 (d) PHASED-IN RETROFIT.—

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

24 (A) establish a process by which the oper-
25 ator of an affected aircraft, in service as of the

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

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

16 (ii) the Administrator, in consultation
17 with the Secretary of Transportation, de-
18 termines additional time is required to
19 mitigate a significant disruption to air
20 transportation; and

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

1 (B) notify the appropriate committees of
2 Congress not later than 14 days after making
3 a determination under clause (ii) or (iii) of sub-
4 paragraph (A).

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

13 (e) LOW COST ALTERNATIVE METHOD OF COMPLI-
14 ANCE.—In issuing a final rule under subsection (a)(1), the
15 Administrator shall determine low cost equipment or tech-
16 nologies that provide similar or improved situational
17 awareness to the location of other airborne traffic, as well
18 as traffic advisory information, that satisfy the ADS-B
19 In equipage requirement for aircraft with a maximum cer-
20 tificated takeoff weight of less than 12,500 pounds when
21 operated under part 91 of title 14, Code of Federal Regu-
22 lations. In making such a determination, the Adminis-
23 trator shall consider the use of—

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

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

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

13 (g) SEPARATION STANDARDS; RELEVANT CON-
14 TROLLER TRAINING.—

15 (1) RULEMAKING.—

16 (A) IN GENERAL.—Not later than 18
17 months after the effective date of the final rule
18 described in subsection (a), the Administrator
19 shall issue a notice of proposed rulemaking to
20 establish separation standards, as appropriate,
21 that leverage ADS-B Out or ADS-B In equip-
22 ment, and all other available technological capa-
23 bilities in the air traffic control system, to
24 achieve safety and efficiency benefits through-
25 out the national airspace system, including on

1 an airport surface and within Class E airspace
2 (as defined in section 71.71 of title 14, Code of
3 Federal Regulations, or any successor regula-
4 tion).

5 (B) CONSULTATION.—In conducting the
6 rulemaking under this subsection, the Adminis-
7 trator shall consult with appropriate stake-
8 holders, including, at a minimum—

9 (i) representatives of—

10 (I) air carriers;

11 (II) original equipment manufac-
12 turers; and

13 (III) general aviation organiza-
14 tions;

15 (ii) organizations representing cer-
16 tified collective bargaining representatives
17 of airline pilots, including the principal or-
18 ganization representing the largest cer-
19 tified collective bargaining representative
20 of airline pilots;

21 (iii) the exclusive bargaining rep-
22 resentative of air traffic controllers of the
23 FAA certified under section 7111 of title
24 5, United States Code;

1 (iv) aviation safety experts from out-
2 side the FAA; and

3 (v) any other stakeholder deemed ap-
4 propriate by the Administrator.

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

12 (3) RELEVANT CONTROLLER TRAINING.—

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

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

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

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

8 (h) ACAS-X ACTION PLAN.—

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

20 (2) CONTENTS.—In developing the action plan
21 under paragraph (1), the Administrator shall in-
22 clude—

23 (A) a strategic roadmap for the deploy-
24 ment of ACAS-X technology, including steps re-

1 quired for widespread adoption among aircraft
2 operators (including rotorcraft operators);

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

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

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

12 (ii) aviation safety experts outside the
13 FAA;

14 (iii) avionics manufacturers;

15 (iv) aircraft manufacturers;

16 (v) general aviation organizations;

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

21 (vii) organizations representing cer-
22 tified collective bargaining representatives
23 of airline pilots, including the principal or-
24 ganization 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. 395. 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 ("NCR")
19 operations of pilot training and qualifications stand-
20 ards in the 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 send altitude and posi-
4 tion information to the pilots inside the aircraft, and
5 the frequency with which such maintenance proto-
6 cols occur;

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

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

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

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

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

4 (d) INTERIM REPORTING.—Not later than 180 days
5 after initiating the audit required by subsection (a), and
6 every 180 days thereafter until such audit is concluded,
7 the Inspector General of the Army shall brief the commit-
8 tees of Congress described in subsection (c)(1) regarding
9 the progress of such audit.

10 **SEC. 396. SAFETY REVIEWS OF AIRSPACE.**

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

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

19 (2) coordinate with the Office of Audit and
20 Evaluation of the FAA to ensure employee com-
21 plaints and whistleblower protections are considered;

22 (3) consider opportunities to improve manage-
23 ment and consolidation of aviation safety informa-
24 tion system databases to enhance civil and military
25 aviation incident reporting; and

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

3 (b) SAFETY REVIEWS.—

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

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

21 (B) CONSULTATION.—In conducting a
22 safety review under subparagraph (A), the Ad-
23 ministrator shall consult with—

- 24 (i) the Secretary of Defense;
25 (ii) Federal, State, and local agencies;

- 1 (iii) law enforcement agencies;
2 (iv) emergency response providers, in-
3 cluding air medical transport operators;
4 (v) air carriers;
5 (vi) aviation labor organizations, in-
6 cluding, at a minimum—
7 (I) the exclusive bargaining rep-
8 resentative of air traffic controllers of
9 the FAA certified under section 7511
10 of title 5, United States Code; and
11 (II) organizations representing
12 certified collective bargaining rep-
13 resentatives of airline pilots, including
14 the principal organization rep-
15 resenting the largest certified collec-
16 tive bargaining representative of air-
17 line pilots; and
18 (vii) other stakeholders determined
19 appropriate by the Administrator.

20 (2) OTHER AIRPORT REVIEWS.—

- 21 (A) IN GENERAL.—The Administrator
22 shall conduct safety reviews of all military, law
23 enforcement and civilian rotary wing, powered
24 lift, fixed wing, and unmanned aircraft system
25 flight operations and flight routes at other

1 Class B airports (as listed in section 1 of Ap-
2 pendix D to part 91 of title 14, Code of Federal
3 Regulations (or any successor regulation)) and
4 within the lateral boundary of Class B airspace,
5 at commercial service Class C airports (as listed
6 in FAA Order JO 7400.11J (or any successor
7 order)) and within the lateral boundary of Class
8 C airspace in the national airspace system, and
9 at Class D airports that provide passenger serv-
10 ice under part 121 of title 14, Code of Federal
11 Regulations, determined to meet the risk cri-
12 teria set forth in subparagraph (C), including
13 flight operations conducted by the Department
14 of Defense, emergency response providers, and
15 air medical transport operators, to evaluate any
16 associated safety risk to commercial transport
17 airplane operations.

18 (B) CONSULTATION.—In conducting a
19 safety review under subparagraph (A), the Ad-
20 ministrator shall consult with—

- 21 (i) the Secretary of Defense;
- 22 (ii) Federal, State, local, and Tribal
23 agencies;
- 24 (iii) law enforcement agencies;
- 25 (iv) emergency response providers;

1 (v) air carriers;

2 (vi) aviation labor organizations, in-
3 cluding, at a minimum—

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

8 (II) organizations representing
9 certified collective bargaining rep-
10 resentatives of airline pilots, including
11 the principal organization rep-
12 resenting the largest certified collec-
13 tive bargaining representative of air-
14 line pilots; and

15 (vii) other stakeholders determined
16 appropriate by the Administrator.

17 (C) PRIORITIZATION AND RISK CRI-
18 TERIA.—In prioritizing the safety reviews of
19 Class B, Class C, and Class D airports de-
20 scribed in subparagraph (A) and conducting the
21 safety reviews pursuant to subparagraph (A),
22 the Administrator shall, at a minimum, con-
23 sider the following risk criteria:

1 (i) The type of airspace the airport is
2 located in and the type of tower at the air-
3 port.

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

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

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

17 (v) The presence of parallel runways.

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

21 (vii) The presence of a helicopter cor-
22 ridor in proximity to the airport or nearby
23 helicopter operations.

24 (viii) The presence of dense VFR op-
25 erations at the airport.

1 (ix) The presence of complex VFR
2 procedures at the airport or in the adja-
3 cent airspace.

4 (D) DEADLINE OF INITIATION OF RE-
5 VIEWS.—The Administrator shall initiate the
6 reviews under this paragraph by the following
7 deadlines:

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

11 (ii) CLASS C AIRPORTS.—With respect
12 to Class C airports, not later than 90 days
13 after the initiation date of the Class B air-
14 port reviews.

15 (iii) CLASS D AIRPORTS.—With re-
16 spect to Class D airports, not later than
17 90 days after the initiation date of the
18 Class C airport reviews.

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

22 (A) Analyze air traffic and airspace man-
23 agement.

24 (B) Evaluate the level of coordination the
25 Administrator exercises with the Secretary of

1 Defense and the heads of any other Federal
2 agencies, and emergency response providers as
3 appropriate, to inform the designation and ap-
4 proval of airspace use and flight routes for non-
5 transport airplane operations.

6 (C) Assess any risks posed to transport
7 airplanes from military aircraft and rotorcraft,
8 civil rotorcraft, powered lift aircraft, and un-
9 manned aircraft systems operating in Class B,
10 Class C, or Class D airspace in proximity to
11 Class B, Class C, or Class D airports.

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

1 airspace near Class B, Class C, or Class D air-
2 ports.

3 (4) DEADLINES FOR COMPLETION OF SAFETY
4 REVIEWS.—

5 (A) RONALD REAGAN WASHINGTON NA-
6 TIONAL AIRPORT.—The Administrator shall
7 complete the safety review required by para-
8 graph (1) not later than 120 days after the
9 date on which such review is initiated.

10 (B) OTHER AIRPORTS.—The Adminis-
11 trator shall complete a safety review required
12 by paragraph (2) not later than 180 days after
13 such review is initiated.

14 (5) REPORTS.—

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

1 or administrative action determined appropriate
2 by the Administrator.

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

18 (6) DESIGNATION.—The Administrator shall
19 designate a person within the Senior Executive Serv-
20 ice of the FAA to be directly responsible for the
21 completion of the requirements of this subsection.

22 (7) STAFFING.—The Administrator shall ensure
23 adequate staffing to conduct the safety reviews with-
24 in the deadlines specified in this section.

1 **SEC. 397. 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, as well as the sharing of information from the
9 FAA's Aviation Safety Information Analysis and Sharing
10 System, Operational Analysis Reporting System, Safety
11 Trend Analytics Dashboard, Aviation Risk Identification
12 and Assessment Program, Comprehensive Electronic Data
13 Analysis and Reporting Tool, and Falcon tool with the
14 Army, to facilitate communications and analysis of any ap-
15 plicable impacts to the safety and efficiency of civil avia-
16 tion operations and to mitigate risk in the national air-
17 space system.

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

1 (1) The Department of the Navy.

2 (2) The Department of the Air Force.

3 (3) The Coast Guard.

4 (c) CONGRESSIONAL NOTIFICATION.—Not later than
5 7 days after the date on which the Administrator enters
6 into any Memorandum of Understanding under subsection
7 (a) or (b), the Administrator shall notify the Committee
8 on Commerce, Science, and Transportation and the Com-
9 mittee on Armed Services of the Senate and the Com-
10 mittee on Transportation and Infrastructure and the
11 Committee on Armed Services of the House of Represent-
12 atives.

13 **SEC. 398. TREATMENT OF MEMORANDUM OF AGREEMENT**
14 **BETWEEN DEPARTMENT OF DEFENSE AND**
15 **FEDERAL AVIATION ADMINISTRATION.**

16 (a) IN GENERAL.—For purposes of subsection (b) of
17 section 1046 of the John S. McCain National Defense Au-
18 thorization Act for Fiscal Year 2019 (Public Law 115–
19 232; 49 U.S.C. 40101 note), the Memorandum of Agree-
20 ment Between the Department of Defense and the FAA
21 entered into on May 10, 2024, is deemed to be notice
22 jointly submitted to the appropriate congressional commit-
23 tees for purposes of such subsection and subsection (a)
24 of such section shall cease to be effective as of such date.

1 (b) UPDATE AND EFFECT OF MEMORANDUM OF
2 AGREEMENT.—

3 (1) UPDATE.—The Secretary of Defense and
4 the Secretary of Transportation shall update the
5 memorandum of understanding described in sub-
6 section (a) consistent with regulations issued by the
7 Administrator of the Federal Aviation Administra-
8 tion pursuant to section 393(a)(2).

9 (2) EFFECT OF MEMORANDUM OF AGREE-
10 MENT.—The memorandum of agreement described
11 in subsection (a) shall remain in force subject to—

12 (A) any modifications made jointly by the
13 Secretary of Defense and the Secretary of
14 Transportation;

15 (B) termination by either such Secretary;
16 or

17 (C) modification or termination by law.

18 **SEC. 399. REPEAL OF MANNED ROTARY WING AIRCRAFT**
19 **SAFETY PROVISIONS.**

20 Section 373(a) of this Act is repealed, and Chapter
21 157 of title 10, United States Code, shall be applied as
22 if the amendments made by such section had not been en-
23 acted.