

119TH CONGRESS
1ST SESSION

S. 2503

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

19 (3) **ADS-B OUT.**—The term “ADS-B Out”—
20 (A) has the meaning given such term in
21 section 91.227 of title 14, Code of Federal Reg-
22 ulations; and

23 (B) broadcasts information from the air-
24 craft in accordance with sections 91.225 and
25 91.227 of such title 14 (or any successor regu-
26 lations).

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

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

12 (6) CABINET MEMBER.—The term “Cabinet
13 Member” means an individual who is the head (in-
14 cluding an acting head) of the Department of Agri-
15 culture, the Department of Commerce, the Depart-
16 ment of Defense, the Department of Education, the
17 Department of Energy, the Department of Health
18 and Human Services, the Department of Homeland
19 Security, the Department of Housing and Urban
20 Development, the Department of the Interior, the
21 Department of Justice, the Department of Labor,
22 the Department of State, the Department of Trans-
23 portation, the Department of the Treasury, or the
24 Department of Veterans Affairs, or any other indi-

vidual who occupies a position designated by the President as a Cabinet-level position.

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

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

(A) the District of Columbia;

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

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

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

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

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

(B) includes vertical-lift flight mode and wing-borne flight mode, as such terms are defined in section 194.103 of title 14, Code of

1 Federal Regulations (or any successor regula-
 2 tion).

3 (10) ROTORCRAFT.—The term “rotorcraft” has
 4 the meaning given such term in section 1.1 of title
 5 14, Code of Federal Regulations (or any successor
 6 regulation).

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

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

14 **SEC. 3. REVISION TO EXCEPTION FOR ADS-B OUT TRANS-**
 15 **MISSION.**

16 (a) ADS-B OUT REFORMS.—

17 (1) IN GENERAL.—

18 (A) SENSITIVE GOVERNMENT MISSION.—

19 Beginning on the date of enactment of this sec-
 20 tion, in applying section 91.225(f)(1) of title
 21 14, Code of Federal Regulations, the term
 22 “sensitive government mission” shall be nar-
 23 rowly construed and shall not include routine
 24 flights, non-classified flights, proficiency flights,
 25 or flights of Federal officials below the rank of

1 Cabinet Member or the Chairman of the Joint
2 Chiefs of Staff.

3 (B) NOTIFICATION.—For the purposes of
4 interpreting section 91.225(f)(1) of title 14,
5 Code of Federal Regulations, the operating
6 agency shall—

7 (i) when operating a sensitive govern-
8 ment mission during which the aircraft will
9 not be transmitting ADS-B Out, notify
10 Air Traffic Control; and

11 (ii) notify the Committee on Com-
12 merce, Science, and Transportation and
13 the Committee on the Armed Services of
14 the Senate and the Committee on Trans-
15 portation and Infrastructure and the Com-
16 mittee on the Armed Services of the House
17 of Representatives on a monthly basis re-
18 garding each sensitive government mission
19 within Class B airspace operated during
20 such month.

21 (2) RULEMAKING AND ADMINISTRATIVE AC-
22 TION.—

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

(i) issue or revise regulations to update section 91.225(f) of title 14, Code of Federal Regulations, to comply with the requirements of this section; and

(ii) revise any memorandum of agreement between the FAA and any other Federal, State, local, or Tribal agency to conform with the revised regulations described in clause (i), including any agreement pursuant to section 1046 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (49 U.S.C. 40101 note).

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

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

5 (1) review the utilization of exceptions under
6 section 91.225(f) of title 14, Code of Federal Regu-
7 lations (or any successor regulation), as revised
8 under subsection (a), to determine—

9 (A) whether the Department of Defense
10 and other relevant Federal agencies or other
11 applicable operators have utilized such excep-
12 tions in accordance with relevant laws and reg-
13 ulations; and

14 (B) the extent of such utilization;

15 (2) compare the utilization of exceptions speci-
16 fied in such section 91.225(f) before and after the
17 issuance of revised regulations under subsection (a);
18 and

19 (3) submit to the Administrator and the appro-
20 priate committees of Congress a report on the find-
21 ings of the review conducted under paragraph (1)
22 and the comparison conducted under paragraph (2).

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

1 (1) determine whether any Federal agency or
 2 other applicable operator that has been found to
 3 have not utilized the exceptions under section
 4 91.225(f) of title 14, Code of Federal Regulations
 5 (or any successor regulation), as revised under sub-
 6 section (a), in accordance with relevant laws and
 7 regulations shall be permitted to continue to utilize
 8 such exceptions; and

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

13 (d) REPORTS.—

14 (1) TO THE ADMINISTRATOR.—Not later than
 15 90 days after the date of enactment of this section,
 16 and on a quarterly basis thereafter, each Federal,
 17 State, local, and Tribal agency that performs sen-
 18 sitive government missions as described in section
 19 91.225(f)(1) of title 14, Code of Federal Regulations
 20 (or any successor regulation), as revised under sub-
 21 section (a), shall submit to the Administrator a re-
 22 port that includes—

23 (A) an attestation that such operations are
 24 regularly transmitting ADS-B Out and are

1 conducted with proper consideration to aviation
2 safety;

3 (B) a list of operations delineated by flight
4 in which the ADS-B Out equipment is not in
5 transmit mode because the aircraft was per-
6 forming a sensitive government mission, includ-
7 ing the airport, airspace location, date, time,
8 duration, and mission type of each such oper-
9 ation; and

10 (C) with respect to any classified oper-
11 ation, a classified annex.

12 (2) TO CONGRESS.—

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

23 (i) shall include—

24 (I) aggregated data on the oper-
25 ations in which ADS-B Out equip-

1 ment is not in transmit mode by each
2 agency described in paragraph (1);
3 and

4 (II) a determination from the
5 Administrator as to whether each op-
6 eration described in paragraph (1)(B)
7 jeopardizes aviation safety; and
8 (ii) may include a classified annex.

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

25 (e) ANNUAL INSPECTOR GENERAL AUDITS.—

1 (1) IN GENERAL.—Beginning on the date that
2 is 3 years after the date of enactment of this sec-
3 tion, the Inspector General of the Department of
4 Transportation (in this section referred to as the
5 “Inspector General”) shall conduct an annual audit
6 of FAA oversight of all operations that utilize an ex-
7 ception under section 91.225(f) of title 14, Code of
8 Federal Regulations (or any successor regulation),
9 as revised under subsection (a), including Federal
10 agency operations.

11 (2) CONSIDERATIONS.—In conducting an audit
12 under paragraph (1), the Inspector General shall as-
13 sess the efficacy of FAA oversight related to the fol-
14 lowing:

15 (A) Ensuring exceptions under such sec-
16 tion 91.225(f)(1) (or any successor regulation)
17 are strictly utilized by operators in accordance
18 with relevant laws and regulations.

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

22 (C) Identifying and engaging with any op-
23 erator not in compliance with relevant laws and
24 regulations relating to exceptions under such

1 section 91.225(f)(1) (or any successor regula-
2 tion).

3 (D) Any other factor determined appro-
4 priate by the Inspector General.

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

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

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

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this section, the Adminis-
13 trator shall issue a final rule in accordance with sec-
14 tion 553 of title 5, United States Code, to require
15 any person operating an aircraft (other than an un-
16 manned aircraft, as defined in section 44801 of title
17 49, United States Code) required to be equipped
18 with ADS-B Out in accordance with section 91.225
19 of title 14, Code of Federal Regulations (or any suc-
20 cessor regulation), to be equipped with and oper-
21 ating with ADS-B In equipment that provides the
22 aircraft with awareness to the location of other air-
23 craft and traffic advisories, unless otherwise author-
24 ized by air traffic control.

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

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

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

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

13 (A) PERFORMANCE STANDARDS.—The Ad-
 14 ministrator shall establish appropriate perform-
 15 ance requirements for ADS-B In equipment to
 16 provide integrated safety-enhancing capabilities
 17 for a pilot or other flight crew, including by in-
 18 creasing situational awareness to the location of
 19 other aircraft and providing traffic advisories
 20 with alerting sufficient to provide traffic advi-
 21 sory indications while airborne and on the air-
 22 port surface, such as visual and aural
 23 advisories.

24 (B) ALTERNATIVE EQUIPMENT OR TECH-
 25 NOLOGY.—With respect to aircraft with a max-

1 imum certificated takeoff weight of less than
2 12,500 pounds when operating under part 91 of
3 title 14, Code of Federal Regulations, and
4 qualifying military aircraft as specified by the
5 Administrator in consultation with the Sec-
6 retary of Defense, the Administrator shall es-
7 tablish performance requirements for alter-
8 native equipment or technology that the Admin-
9 istrator determines acceptable in satisfying the
10 ADS-B In requirement. The performance re-
11 quirements shall, at a minimum—

12 (i) provide similar or improved situa-
13 tional awareness to the location of other
14 airborne traffic, as well as traffic advisory
15 information; and

16 (ii) leverage the use of portable ADS-
17 B In receivers or equipment that allow dis-
18 play on an existing or future electronic
19 flight bag or panel mounted display, pro-
20 vided that the installation or use of such
21 equipment does not adversely affect other
22 required avionics or the airworthiness of
23 the aircraft.

24 (C) REQUIRED BRIEFING.—The Adminis-
25 trator shall brief the appropriate committees of

1 Congress, the Committee on Armed Services of
2 the Senate, and the Committee on Armed Serv-
3 ices of the House of Representatives, on at least
4 a monthly basis, regarding the alternative
5 equipment or technology for qualifying military
6 aircraft prior to determining that such equip-
7 ment or technology is acceptable to satisfy the
8 ADS-B In requirement.

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

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

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

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

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

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

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

14 (5) CONGRESSIONAL BRIEFINGS.—Not later
 15 than 180 days after the date of enactment of this
 16 section, and every 90 days thereafter, the Adminis-
 17 trator shall brief the appropriate committees of Con-
 18 gress, as well as publish a publicly available report,
 19 on the status of—

20 (A) the ADS-B In rulemaking required
 21 under paragraph (1); and

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

25 (b) NEGOTIATED RULEMAKING COMMITTEE.—

1 (1) COMMITTEE.—

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

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

13 (i) representatives of—

14 (I) the FAA;

15 (II) air carriers;

16 (III) avionics manufacturers;

17 (IV) aircraft manufacturers; and

18 (V) general aviation organiza-
19 tions;

20 (ii) the exclusive bargaining represent-
21 ative of air traffic controllers of the FAA
22 certified under section 7511 of title 5,
23 United States Code;

24 (iii) organizations representing cer-
25 tified collective bargaining representatives

1 of airline pilots, including the principal or-
 2 ganization representing the largest cer-
 3 tified collective bargaining representative
 4 of airline pilots;

5 (iv) aviation safety experts outside of
 6 the FAA; and

7 (v) any other representatives deter-
 8 mined appropriate by the Administrator.

9 (C) REQUIRED CONSULTATION.—In estab-
 10 lishing a committee under this subsection, the
 11 Administrator—

12 (i) shall consult with the Secretary of
 13 Defense and the Secretary of Homeland
 14 Security; and

15 (ii) may consult with other Federal
 16 agencies as appropriate.

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

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

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

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

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

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

(B) LACK OF COMMITTEE CONSENSUS.—In the event the committee does not reach a consensus regarding a recommendation for low cost alternative equipment or technology under subparagraph (A)(iv), the Administrator shall, after the submission of the committee under

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

under paragraph (3)(A) as the basis for the proposed rule for notice and comment, including with respect to any standards or requirements described in subsection (a)(3); or

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

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

(d) PHASED-IN RETROFIT.—

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

(A) establish a process by which the operator of an affected aircraft, in service as of the date on which the final rule under subsection (a)(1) is published in the Federal Register in accordance with subsection (a)(2)(A), may apply to the Administrator to request additional time, not to exceed a period of 1 year after the

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 or improved situational
13 awareness to the location of other airborne traffic, as well
14 as traffic advisory information, that satisfy the ADS-B
15 In equipage requirement for aircraft with a maximum cer-
16 tified takeoff weight of less than 12,500 pounds when
17 operated under part 91 of title 14, Code of Federal Regu-
18 lations. In making such a determination, the Adminis-
19 trator shall 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) organizations representing cer-
12 tified collective bargaining representatives
13 of airline pilots, including the principal or-
14 ganization representing the largest cer-
15 tified collective bargaining representative
16 of airline pilots;

17 (iii) the exclusive bargaining rep-
18 resentative of air traffic controllers of the
19 FAA certified under section 7111 of title
20 5, United States Code;

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

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

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

8 (3) RELEVANT CONTROLLER TRAINING.—

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

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

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

24 (ii) consult with the exclusive bar-
25 gaining representative of air traffic con-

1 trollers of the FAA certified under section
2 7111 of title 5, United States Code.

3 (h) ACAS–X ACTION PLAN.—

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

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

18 (A) a strategic roadmap for the deploy-
19 ment of ACAS–X technology, including steps
20 required for widespread adoption among air-
21 craft operators (including rotorcraft operators);

22 (B) actions and funding necessary to com-
23 plete any applicable research, development, test-
24 ing, evaluation, and standards development

1 needed to support the certification of such tech-
2 nology;

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

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

7 (ii) aviation safety experts outside the
8 FAA;

9 (iii) avionics manufacturers;

10 (iv) aircraft manufacturers;

11 (v) general aviation organizations;

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

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

22 (viii) any other stakeholders deter-
23 mined appropriate by the Administrator;

1 (D) engagement with foreign civil aviation
 2 authorities to harmonize international stand-
 3 ards for certification of such technology;

4 (E) ACAS-X interoperability consider-
 5 ations for aircraft operators (including rotor-
 6 craft operators) equipped with ADS-B Out and
 7 ADS-B In equipment;

8 (F) an assessment of safety benefits for
 9 aircraft operators equipping with such tech-
 10 nology, including civil and military operators;
 11 and

12 (G) any recommendations for administra-
 13 tive or legislative action, as determined appro-
 14 priate by the Administrator, to advance such
 15 technology deployment.

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

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

25 (i) ARAC TASKING.—

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

7 (2) REPORT AND RECOMMENDATIONS.—Not
8 later than 1 year after initiating the review and as-
9 sessment under this section, the ARAC shall submit
10 to the Administrator—

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

13 (B) any recommendations for legislative or
14 regulatory action the ARAC determines appro-
15 priate.

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

20 (A) the findings and recommendations in-
21 cluded in such report; and

22 (B) any plan to implement such rec-
23 ommendations, including a justification for any
24 recommendations the Administrator determines
25 should not be implemented.

1 **SEC. 5. REPEAL OF MANNED ROTARY WING AIRCRAFT**
 2 **SAFETY PROVISIONS.**

3 Section 373(a) of the National Defense Authorization
 4 Act for Fiscal Year 2026 is repealed, and Chapter 157
 5 of title 10, United States Code, shall be applied as if the
 6 amendments made by such section had not been enacted.

7 **SEC. 6. INSPECTOR GENERAL OF THE ARMY AUDIT.**

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

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

18 (1) whether Army policy and United States law
 19 was adhered to, and the Army’s coordination with
 20 the FAA, during National Capital Region (“NCR”) operations of pilot training and qualifications stand-
 21 ards in the NCR;

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

24 (3) maintenance protocols for UH–60 Black
 25 Hawk helicopters operated by the 12th Army Avia-
 26

1 tion Brigade including, but not limited to, the cali-
 2 bration of any system that transmits altitude and
 3 position information outside the aircraft and the
 4 calibration of systems that send altitude and posi-
 5 tion information to the pilots inside the aircraft, and
 6 the frequency with which such maintenance proto-
 7 cols occur;

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

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

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

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

1 and the Committee on Armed Services of the House
2 of Representatives; and

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

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

12 **SEC. 7. SAFETY REVIEWS OF AIRSPACE.**

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

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

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

24 (3) consider opportunities to improve manage-
25 ment and consolidation of aviation safety informa-

tion system databases to enhance civil and military
aviation incident reporting; and

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

(b) SAFETY REVIEWS.—

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

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

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

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

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

13 (II) organizations representing
 14 certified collective bargaining rep-
 15 resentatives of airline pilots, including
 16 the principal organization rep-
 17 resenting the largest certified collec-
 18 tive bargaining representative of air-
 19 line 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

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

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

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

- 1 (iii) law enforcement agencies;
- 2 (iv) emergency response providers;
- 3 (v) air carriers;
- 4 (vi) aviation labor organizations, in-
- 5 cluding, at a minimum—

6 (I) the exclusive bargaining rep-

7 resentative of air traffic controllers of

8 the FAA certified under section 7511

9 of title 5, United States Code; and

10 (II) organizations representing

11 certified collective bargaining rep-

12 resentatives of airline pilots, including

13 the principal organization rep-

14 resenting the largest certified collec-

15 tive bargaining representative of air-

16 line pilots; and

17 (vii) other stakeholders determined

18 appropriate by the Administrator.

19 (C) PRIORITIZATION AND RISK CRI-

20 TERIA.—In prioritizing the safety reviews of

21 Class B, Class C, and Class D airports de-

22 scribed in subparagraph (A) and conducting the

23 safety reviews pursuant to subparagraph (A),

24 the Administrator shall, at a minimum, con-

25 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. 8. 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. 9. TREATMENT OF MEMORANDUM OF AGREEMENT BE-**
14 **TWEEN DEPARTMENT OF DEFENSE AND FED-**
15 **ERAL 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 Transportation
4 and the Secretary of Defense 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 3(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 Transportation and the Secretary
14 of Defense;

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

17 (C) modification or termination by law.

Passed the Senate December 17, 2025.

Attest:

Secretary.

119TH CONGRESS
1ST SESSION

S. 2503

AN ACT

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