

119TH CONGRESS  
1ST SESSION

# S. 2503

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## 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—

1 (i) issue or revise regulations to up-  
2 date section 91.225(f) of title 14, Code of  
3 Federal Regulations, to comply with the  
4 requirements of this section; and

5 (ii) revise any memorandum of agree-  
6 ment between the FAA and any other Fed-  
7 eral, State, local, or Tribal agency to con-  
8 form with the revised regulations described  
9 in clause (i), including any agreement pur-  
10 suant to section 1046 of the John S.  
11 McCain National Defense Authorization  
12 Act for Fiscal Year 2019 (49 U.S.C.  
13 40101 note).

14 (B) REPORT.—If the Administrator fails  
15 to issue or revise regulations pursuant to sub-  
16 paragraph (A) or revise any memorandum of  
17 agreement between the FAA and any other  
18 agency pursuant to such subparagraph, the Ad-  
19 ministrator shall, within 30 days, submit to the  
20 appropriate committees of Congress a report on  
21 the status of such regulations, including the  
22 reasons that the Administrator has failed to  
23 issue or revise such regulations within the pe-  
24 riod 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) determine whether any Federal agency or other applicable operator that has been found to have not utilized the exceptions under section 91.225(f) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a), in accordance with relevant laws and regulations shall be permitted to continue to utilize such exceptions; and

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

(d) REPORTS.—

(1) TO THE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this section, and on a quarterly basis thereafter, each Federal, State, local, and Tribal agency that performs sensitive government missions as described in section 91.225(f)(1) of title 14, Code of Federal Regulations (or any successor regulation), as revised under subsection (a), shall submit to the Administrator a report that includes—

(A) an attestation that such operations are 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 subsection (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 operations and flight routes in the Washington D.C. Metropolitan Area Special Flight Rules Area, including but not limited to 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 at Ronald Reagan Washington National Airport.

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

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### **AN ACT**

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