

TO REQUIRE CERTAIN AIRCRAFT TO BE EQUIPPED WITH COLLISION MITIGATION TECHNOLOGY, TO IMPROVE HELICOPTER ROUTE SAFETY AND SEPARATION AROUND AIRPORTS, TO UPDATE AIR TRAFFIC CONTROL PROCESSES AND PROCEDURES, TO ADDRESS NATIONAL AIRSPACE SYSTEM SAFETY IN DEPARTMENT OF DEFENSE ACTIVITIES, AND FOR OTHER PURPOSES

APRIL 9, 2026.—Ordered to be printed

Mr. ROGERS of Alabama, from the Committee on Armed Services, submitted the following

R E P O R T

[To accompany H.R. 7613]

The Committee on Armed Services, to whom was referred the bill (H.R. 7613) to require certain aircraft to be equipped with collision mitigation technology, to improve helicopter route safety and separation around airports, to update air traffic control processes and procedures, to address national airspace system safety in Department of Defense activities, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. [PLACEHOLDER].

SEC. 2. [PLACEHOLDER].

TITLE I—[PLACEHOLDER]

TITLE II—DEPARTMENT OF DEFENSE MATTERS

SEC. 201. DEPARTMENT OF DEFENSE MATTERS RELATING TO AVIATION SAFETY.

Title 10, United States Code, is amended by inserting after chapter 157 the following new chapter:

“CHAPTER 158—AVIATION SAFETY

“Sec.

“2655. Definitions.

“2656. Memorandum of agreement.

“2657. Required risk assessment and mitigation for special missions.

“2658. Manned rotary wing aviation safety management system.

“2659. Initial and recurring training on highly congested airspace.

“2660. Flight data monitoring improvements.

“2660a. Barometric altimeters.

“2660b. Transponder maintenance.

“2660c. Notifications and reports on certain near-miss events in National Capital Region.

“2660d. Reports on individuals designated for purposes of special mission exclusion.

“2660e. Rule of construction.

“§ 2655. Definitions

“In this chapter:

“(1) The term ‘ADS–B In’ means technology that receives and processes Automatic Dependent Surveillance–Broadcast (ADS–B) transmissions that are broadcast in accordance with parts 91.225 and 91.227 of title 14, Code of Federal Regulations, and other aviation advisory information from ground stations, including Traffic Information Service–Broadcast (TIS–B) and Automatic Dependent Surveillance–Rebroadcast (ADS–R).

“(2) The term ‘ADS–B Out’ has the meaning given such term in part 91.227 of title 14, Code of Federal Regulations.

“(3) The term ‘air traffic control services’ means services used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and the provision of aeronautical information.

“(4) The term ‘appropriate congressional committees’ means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(5) The term ‘Class B Mode C veil’ means any location described in part 91.225(d)(2) of title 14, Code of Federal Regulations.

“(6) The term ‘collision prevention technology’ means technology that—

“(A) has ADS–B In;

“(B) uses ADS–B data; and

“(C) provides, and is configured to provide, alerting that is audible to the pilot and flight crew.

“(7) The term ‘Department of Defense aircraft’ means any aircraft, either manned or unmanned, that is owned, operated, or controlled by the Department of Defense or operated pursuant to a contract entered into by the Department of Defense.

“(8) The term ‘historical flight data’—

“(A) means data derived from Department of Defense or external sources regarding the actual flights taken by relevant Department of Defense aircraft, such as flight paths, altitudes, and other flight characteristics, that would provide a point of comparison to evaluate planned flights or review prior flights for adherence to published flight routes or flight plans; and

“(B) does not include notional data generated for planning or training purposes.

“(9) The term ‘manned rotary wing aviation safety management system’—

“(A) means training, policies and practices related to rotary wing aviation safety; and

“(B) does not refer to equipment installed or carried on aircraft for flight operations.

“(10) The term ‘National Capital Region’ means—

“(A) the geographic area located within the boundaries of—

“(i) the District of Columbia;

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

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

“(iv) all cities and other units of government within the geographic areas described in clauses (i) through (iii); or

“(B) the geographic area prescribed for such region in the memorandum of agreement required by section 2656 of this title, except that such geographic area may not exceed the boundaries described in clauses (i) through (iv) of subparagraph (A).

“(11) The term ‘sensitive aircraft data’ means—

“(A) Department of Defense aircraft information relating to classified aircraft, aircraft involved in continuity of government operations or nuclear command and control, fighter aircraft, bomber aircraft, special mission aircraft, or unmanned aircraft systems; and

“(B) other information which, if publicly disclosed or aggregated, would reveal the capabilities of Department of Defense aircraft and could reasonably be expected to cause serious damage to national security.

“(12) The term ‘special mission’—

“(A) means any mission of the Department of Defense relating to activities which, if publicly disclosed, could reasonably be expected to cause serious damage to national security; and

“(B) does not include—

“(i) unclassified flights;

“(ii) flight crew proficiency flights; or

“(iii) the transportation of any Government official other than a head of an executive department (as such term is defined in section 101 of title 5), a member of the Joint Chiefs of Staff, a commander of a combatant command, or any other individual designated by the President for purposes of this paragraph.

“(13) The term ‘special mission aircraft’ means a Department of Defense aircraft performing a special mission, either permanently or temporarily.

“(14) The term ‘unmanned aircraft system’ has the meaning given such term in section 44801 of title 49.

“§ 2656. Memorandum of agreement

“(a) MEMORANDUM REQUIRED.—(1) Not later than September 30, 2026, the Secretary of Transportation and the Secretary of Defense shall enter into, and jointly submit to the appropriate congressional committees a copy of, a memorandum of agreement that—

“(A) provides that fighter aircraft, bomber aircraft, unmanned aircraft systems, and other special mission aircraft that are not equipped or not yet equipped with collision prevention technologies or ADS-B Out, or successor technologies, will be reasonably accommodated for safe operations in the national airspace system and provided with necessary air traffic control services; and

“(B) establishes policies governing the operation of collision prevention technologies and ADS-B Out, or successor technologies, including proper maintenance and routine verification practices for such systems, on Department of Defense aircraft, consistent with this chapter.

“(2) The Secretary of Transportation and the Secretary of Defense, or the designees thereof, shall consult not less frequently than semiannually on any appropriate updates to the memorandum required by this subsection to reflect safe, effective, and modern air traffic identification, air space management, and related equipment.

“(b) COLLISION AVOIDANCE MATTERS.—(1) The Secretary of Defense shall ensure that the memorandum of agreement required by subsection (a) includes, at a minimum—

“(A) a requirement that, beginning on a date agreed to and set forth in such memorandum or the date that is one year after the date of the enactment of this section, whichever occurs first, the Secretary of a military department may not authorize any Department of Defense manned rotary wing aircraft to operate a mission in the National Capital Region unless such aircraft is actively transmitting an ADS-B Out broadcast, or successor technology, unless—

“(i) the Secretary of the military department, in coordination with the Secretary of Transportation, has conducted a safety risk assessment and implemented mitigations, as appropriate, to ensure safety in the National Capital Region; and

“(ii) such aircraft is carrying out a special mission;

“(B) procedures requiring the use of ADS-B Out as the default practice by Department of Defense manned rotary wing aircraft when operating in the national airspace system, unless such use would affect the operational security of Department of Defense aircraft or special missions;

“(C) consistent with section 2660b of this title, procedures for ensuring the correct configuration of ADS-B Out and other transponders, including routine intervals for verifying transponder settings and proper operation;

“(D) operational procedures to allow flight crews to enable ADS-B Out transmission while in flight in the national airspace system, including in response to air traffic or weather conditions; and

“(E) provisions to protect sensitive aircraft data from unnecessary disclosure, including by mitigating risks regarding the inadvertent disclosure of such data or information regarding special missions.

“(2)(A) The Secretary of Defense shall ensure that—

“(i) by not later than 180 days after the date on which the Secretary of Defense and the Secretary of Transportation submit to the appropriate congressional committees a copy of the memorandum of agreement required by subsection (a), Department of Defense aircraft that are not fighter aircraft, bomber aircraft, unmanned aircraft systems, or other special mission aircraft, are equipped and operating with an integrated system, federated system, or stand-alone device that displays traffic information to the pilot and flight crew; and

“(ii) by not later than December 31, 2031, such Department of Defense aircraft are equipped and operating with an integrated collision prevention technology system.

“(B) In carrying out subparagraph (A), the Secretary of Defense shall take into consideration—

“(i) any need to protect the technology or systems described in such subparagraph against man-made electronic interference;

“(ii) appropriate mitigations to known security vulnerabilities associated with such technology or systems;

“(iii) appropriate safeguards for sensitive aircraft data, classified material, equipment, or special missions when aircraft described in such subparagraph are equipped and operating with collision prevention technology;

“(iv) updated guidance, tactics, techniques, procedures, or training with respect to electromagnetic emissions related to such technology and systems; and

“(v) placement in flight deck, field of view of pilots, and human factors, to ensure such technology is effective, may be readily used, and has minimal risk of unexpected detachment.

“(3) The Secretary of Defense shall ensure that the Secretary of Transportation receives accurate information regarding the configurations recommended by each military department for each relevant aircraft type while such aircraft operate in the national airspace system.

“(4) In implementing the memorandum of agreement required by subsection (a), the Secretary of Defense, or the Secretary of a military department, may exempt from relevant portions of such memorandum an individual aircraft on a case-by-case basis if such Secretary determines that the aircraft—

“(A) is not airworthy, is otherwise unrepairable, or is not reasonably expected to return to service;

“(B) is an aircraft for which depot-level maintenance or a substantial overhaul of avionics-related equipment, including the installation of collision prevention technology, is scheduled to occur prior to December 31, 2030;

“(C) is scheduled to be retired from service prior to September 30, 2028; or

“(D) is an unpowered aircraft not suitable for collision prevention technology due to airframe limitations, including gliders used for pilot instruction.

“(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall provide to the Secretary of Transportation notification of any aircraft the Secretary of Defense designates as a special mission aircraft operating within the United States (as such term is defined in section 1.1 of title 14, Code of Federal Regulations), for purposes of this chapter. Such notification may identify such aircraft by type, model, series, or another means agreed to in the memorandum of agreement required by subsection (a).

“(d) COLLISION PREVENTION TECHNOLOGY EQUIPAGE.—In implementing a memorandum of agreement pursuant to this section or any other provision of law, to protect the operational security of Department of Defense aircraft, the Secretary of Defense shall retain the sole control over the determination of which specific collision prevention technology is appropriate for installation and operation in any such aircraft.

“§ 2657. Required risk assessment and mitigation for special missions

“(a) RISK ASSESSMENT.—The Secretary of each military department, in coordination with the Secretary of Transportation, shall conduct a risk assessment, and recommend and implement, as appropriate, mitigations as a result of such assessment, to ensure safety in the national airspace system for each type of planned or anticipated special mission of a manned rotary wing aircraft of such military department that would involve operations occurring in whole or in part within a Class B Mode C veil airspace.

“(b) IMPLEMENTATION.—The requirement under subsection (a) shall be carried out in a manner mutually agreed to by the Secretary of Defense and the Secretary of Transportation in the memorandum of agreement required by section 2656 of this title.

“(c) INITIAL REPORT.—(1) Not later than one year after the date on which the Secretary of Defense and the Secretary of Transportation submit to the appropriate congressional committees a copy of the memorandum of agreement required by section 2656 of this title, the Secretary of Defense shall submit to the congressional defense committees a report on the types of special mission activities assessed, and any mitigation recommended or implemented, pursuant to subsection (a). Such report shall include, for each month during the 12-month period preceding the date of the submission of the report, the actual number of special mission flights flown with ADS-B Out turned off, in whole or in part, within a Class B Mode C veil airspace, disaggregated by special mission activity.

“(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(d) SUBSEQUENT REPORT.—(1) Not later than one year after the date of the submission of the report under subsection (c), the Secretary of Defense shall submit to the congressional defense committees a report that includes, for each month during the 12-month period preceding the date of the submission of the report, the actual number of special mission flights that the Secretary of Defense has flown with ADS-B Out turned off, in whole or in part, within a Class B Mode C veil airspace, disaggregated by special mission activity.

“(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“§ 2658. Manned rotary wing aviation safety management system

“(a) REQUIREMENT.—The Secretary of Defense shall ensure that, by not later than March 1, 2027, the Secretary of each military department has established a robust manned rotary wing aviation safety management system, or updated an existing such system, to provide for—

“(1) responsibilities with respect to such system that are clearly delineated from other occupational safety responsibilities;

“(2) staffing and other resources required for the operation of such system; and

“(3) the implementation of such system in a manner that is functionally integrated with relevant units.

“(b) QUALIFICATION PROTECTIONS.—The Secretary shall ensure that the implementation of a manned rotary wing aviation safety management system required under subsection (a) does not preclude an individual assigned manned rotary wing aviation

safety management system duties from maintaining appropriate qualifications, flying hours, professional military education, or other activities required for career advancement on the basis of being assigned such duties.

“(c) AVIATOR SURVEY.—Not later than one year after the date of the enactment of this section, the Secretary shall carry out a survey of rotary aircraft flight crews across the Department of Defense to identify operationally relevant and responsive flight safety reporting systems. Such survey shall include the collection of information regarding—

- “(1) barriers to the use of such systems perceived by pilots;
- “(2) responsive reporting methods for identifying and collecting important safety reporting;
- “(3) systems for collecting relevant safety reporting that may be used in conjunction with historical flight data to provide insights that may be used in carrying out section 2660 of this title;
- “(4) options for reporting safety incidents, including encounters with civil air traffic operating in the national airspace system, without retaliation, judgment, or undue consequence;
- “(5) preserving reports of persistent issues with communications, either incoming or outgoing, with air traffic controllers or other aircraft in controlled airspace; and
- “(6) integrating improved flight safety reporting into current operations.

“(d) REPORTS.—Not later than 90 days after the date on which the survey under subsection (c) is completed, and on a semiannual basis thereafter until December 31, 2031, the Secretary shall submit to the congressional defense committees a report containing—

- “(1) an outline of the funding and personnel resources necessary to implement the requirements under subsection (a), and appropriate findings from the survey under subsection (c), with respect to each military department;
- “(2) an outline of the safety functions, practices, training, and reporting required under each manned rotary wing aviation safety management system established or updated under subsection (a);
- “(3) an assessment of which military department practices most closely align to the best practicable solutions identified pursuant to the findings from the survey under subsection (c);
- “(4) a plan to implement the requirements under subsection (a) and appropriate findings from the survey under subsection (c); and
- “(5) a plan to ensure active duty units and National Guard units receive the same benefits from an improved manned rotary wing aviation safety management system.

“(e) COMPTROLLER GENERAL REVIEW.—(1) The Comptroller General of the United States shall conduct a review of the efficacy of the manned rotary wing aviation safety management systems established or updated pursuant to subsection (a). Such review shall include—

- “(A) an assessment of the extent to which the Secretary has implemented the requirements under subsection (a);
- “(B) an assessment of the extent to which the Secretary has developed an approach to identify and mitigate any risks in implementing subsection (a); and
- “(C) any other matters the Comptroller General determines are relevant.

“(2) Not later than September 1, 2027, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the review required under paragraph (1). The Comptroller General shall provide to such committees the final results of such review in a mutually agreed upon format and timeframe.

“§ 2659. Initial and recurring training on highly congested airspace

“(a) REQUIRED TRAINING.—The Secretary of Defense shall ensure that, by not later than March 1, 2027, flight crews for Department of Defense manned rotary wing aircraft operating in the national airspace system receive appropriate initial and recurring training regarding fixed-wing operations within Class B Mode C veil airspace routinely encountered in the course of operations from the assigned duty station of the flight crew. Such training shall include training on approach and departure paths, runway configurations, and the interaction of those traffic flows with published helicopter routes.

“(b) USE OF HISTORICAL FLIGHT DATA.—In developing the training described in subsection (a), the Secretary shall consider historical flight data from Department of Defense manned rotary wing aircraft operating in the associated airspace.

“(c) REPORT.—Not later than March 1, 2027, the Secretary shall submit to the congressional defense committees a report containing a description of how each military department has implemented the training requirements under subsection (a)

and how the Secretary has ensured consistency with respect to such implementation across the military departments.

“§ 2660. Flight data monitoring improvements

“(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Secretary of Defense shall develop and implement standards across the military departments to ensure that Department of Defense manned rotary wing aircraft operations in the national airspace system, and associated training, routes, and activities, are informed by accurate recorded flight data to—

- “(1) monitor operational patterns;
- “(2) identify operational safety risks; and
- “(3) support the development and implementation of effective risk controls for missions in the national airspace system.

“(b) DATA USE.—In carrying out subsection (a), the Secretary shall—

- “(1) seek to use—
 - “(A) existing data sets and tools to allow for convenient and expeditious use of such data at the lowest possible level; and
 - “(B) systems that allow for flight data to be evaluated for accuracy on a recurrent basis; and
- “(2) conduct a review, and establish procedures based on the results of such review, to ensure flight data is evaluated for accuracy at an appropriate organizational level and on a recurrent basis.

“(c) IMPLEMENTATION UPDATES.—The Secretary shall provide to the congressional defense committees updates on—

- “(1) the implementation of this section; and
- “(2) the incorporation of the standards developed and data collected pursuant to this section into the manned rotary wing aviation safety management systems required under section 2658 of this title.

“(d) DATA SHARING.—(1) The Secretary of Defense shall—

- “(A) conduct a review across the military departments to identify flight data that may be readily shared with the Secretary of Transportation; and
- “(B) implement a process to share safety data with the Secretary of Transportation.

“(2) To the extent the Secretary of Defense determines necessary, data shared pursuant to paragraph (1) may be de-identified.

“§ 2660a. Barometric altimeters

“(a) MANUALS.—The Secretary of Defense shall promptly update, and maintain, appropriate manuals of the Department of Defense for manned rotary wing aircraft, to provide clear guidance regarding—

- “(1) the expected standard margin of error for barometric altimeters for each class of such aircraft; and
- “(2) the total potential error resulting from additional aircraft equipment with respect to an otherwise airworthy barometric altimeter, including increased position error associated with external stores support system configurations.

“(b) INCORPORATION OF DATA.—In updating the manuals under subsection (a), the Secretary shall incorporate observations derived from external data sources, including historical flight data monitoring from external sources, to better understand the total potential error of barometric altimeters in various aircraft configurations.

“(c) TRAINING.—Not later than 30 days after the date on which the Secretary updates the manuals under subsection (a), the Secretary shall require appropriate refresher training for the crew of any aircraft subject to such an updated manual.

“§ 2660b. Transponder maintenance

“(a) REQUIRED INTERVALS.—The Secretary of each military department shall establish routine intervals for verifying the correct configuration and function of ADS-B Out transponders, and related equipment, for aircraft of such military department required to use such transponders. Such intervals may not be less frequent than once every 90 days.

“(b) REPORTS.—Not later than 30 days after the date of the submission of the budget of the President under section 1105(a) of title 31 for fiscal years 2028 through 2033, the Secretary of each military department shall submit to the congressional defense committees a report that details the following:

- “(1) Compliance across such military department with respect to the required maintenance intervals established under subsection (a).
- “(2) The total number of instances, disaggregated by military installation, in which an ADS-B Out transponder was not serviced in accordance with the applicable maintenance interval established under subsection (a).

“(3) Any additional personnel, resources, or equipment required to simplify or otherwise improve maintenance requirements associated with carrying out this section.

“§ 2660c. Notifications and reports on certain near-miss events in National Capital Region

“(a) NOTIFICATIONS.—Not later than one week after the date on which a covered near-miss event occurs, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a notification of such event.

“(b) ESTABLISHMENT OF ASSOCIATED DEFINITION.—Not later than 60 days after the date of the enactment of this section, the Secretary, in coordination with a working group determined appropriate by the Secretary, shall establish a definition of the term ‘close proximity encounter’ for purposes of this section.

“(c) REPORTS.—Not later than 180 days after the date on which the definition under subsection (b) is established, on a biannual basis thereafter for the following two-year period, and not less frequently than annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing, with respect to the period covered by the report—

“(1) an identification of the number of covered near-miss events that occurred during such period;

“(2) for each such event, an identification of any cause of such event;

“(3) a description any modification to relevant standard operating procedures or other policies of the Department of Defense issued, or planned to be issued, to address such events; and

“(4) a description of the status of implementation of any such modification.

“(d) COVERED NEAR-MISS EVENT DEFINED.—In this section, the term ‘covered near-miss event’ means a close proximity encounter (as such term is defined pursuant to subsection (b)) that—

“(1) involves at least one Department of Defense aircraft; and

“(2) occurs in the National Capital Region.

“§ 2660d. Reports on individuals designated for purposes of special mission exclusion

“(a) REPORTS.—Not later than one year after the date of the enactment of this section, and on an annual basis thereafter, the President shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing, with respect to the preceding year—

“(1) an identification of any individual designated by the President for purposes of section 2655(12)(B)(iii) of this title; and

“(2) a description of how often individuals so designated were transported in connection with a mission that, but for such designation, would be considered a special mission.

“(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

“§ 2660e. Rule of construction

“Nothing in this chapter shall be construed to—

“(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49 or any other provision of law;

“(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title or any other provision of law;

“(3) limit the authority or discretion of the Secretary of Transportation or the Administrator of the Federal Aviation Administration to operate air traffic control services to ensure the safe minimum separation of aircraft in flight and the efficient use of airspace;

“(4) apply a rule, guidance, plan, carriage requirement, or memorandum established, modified, or reissued pursuant to any other provision of law to any Department of Defense aircraft except through a process established in the memorandum of agreement required by section 2656 of this title; or

“(5) require a Department of Defense aircraft to compromise operational security during a combat operation.”.

SEC. 202. REPEAL OF PRIOR PROVISION OF LAW ON MANNED ROTARY WING AIRCRAFT SAFETY.

Section 2654 of title 10, United States Code, is repealed.

SEC. 203. TREATMENT OF SUPERSEDED MEMORANDUM OF AGREEMENT AND PROVISION OF LAW.

Effective on the date on which the memorandum of agreement required by section 2656 of title 10, United States Code, as added by section 201 of this title, is submitted to the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, the following shall have no further force or effect:

(1) Section 1046 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 49 U.S.C. 40101 note).

(2) The memorandum of agreement between the Department of Defense and the Federal Aviation Administration entered into on May 10, 2024.

SEC. 204. REPORT ON COMMUNICATIONS DEGRADATION.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) an assessment on the degradation of radio transmission or reception between Department of Defense aircraft and air traffic controllers or other aircraft operating in the national airspace system;

(2) an identification of factors that may contribute to such degradation; and

(3) an assessment of potential actions to remediate such degradation.

(b) **PLAN.**—Not later than 90 days after the date on which the Secretary submits to the congressional defense committees a copy of the memorandum under section 2656 of title 10, United States Code, as added by section 201 of this title, the Secretary shall submit to the congressional defense committees a plan to leverage major avionics upgrades or depot-level maintenance associated with the installation or provision of collision prevention technology to upgrade communications systems in Department of Defense aircraft (particularly with respect to manned rotary wing aircraft), for the purpose of improving the clarity and reliability of transmissions to and from such aircraft.

(c) **DEFINITIONS.**—In this section, the terms “collision prevention technology” and “Department of Defense aircraft” have the meanings given such terms in section 2655 of title 10, United States Code, as added by section 201 of this title.

SEC. 205. ANNUAL REPORT ON PROFICIENCY FLIGHTS IN NATIONAL CAPITOL REGION.

(a) **ANNUAL REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the two subsequent years, the Secretary of Defense shall submit to Congress a report on the number of Department of Defense proficiency flights that occurred in the National Capitol Region during the 12-month period preceding the date of the submission of the report.

(b) **NATIONAL CAPITOL REGION.**—In this section, the term “National Capitol Region” has the meaning given such term in section 2655(10) of title 10, United States Code, as added by section 201.

SEC. 206. BRIEFING ON VIRTUAL CONSTRUCTIVE TRAINING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees (as such term is defined in section 101(a)(16) of title 10, United States Code) a briefing on the feasibility of using virtual constructive training to optimize the amount of in-air training used by the Armed Forces.

SEC. 207. TRANSPARENCY REGARDING MIDAIR COLLISION NEAR RONALD REAGAN WASHINGTON NATIONAL AIRPORT ON JANUARY 29, 2025.

(a) **SUBMISSIONS TO CONGRESS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate—

(1) a copy of the command investigation of the midair collision that occurred near Ronald Reagan Washington National Airport on January 29, 2025, with redactions limited to those necessary to protect the privacy of the flight crew involved; and

(2) an implementation plan for the recommendations contained therein.

(b) **INSPECTOR GENERAL OF THE ARMY ASSESSMENT.**—

(1) **ASSESSMENT.**—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Army shall commence an assessment of the sufficiency of the recommendations and implementation plan specified in subsection (a)(2).

(2) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing—

- (A) the results of the assessment under paragraph (1); and
- (B) any additional recommendations by the Inspector General relating to the matters so assessed, as applicable.

PURPOSE AND SUMMARY

The purpose of H.R. 7613, as amended, is to require certain aircraft to be equipped and operating with collision mitigation technology and to address national airspace system safety in Department of Defense activities, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On January 29, 2025, American Airlines Flight 5342 departed from Dwight D. Eisenhower National Airport (ICT) in Wichita, Kansas, to Ronald Reagan Washington National Airport (DCA). Air traffic controllers at DCA instructed American Airlines Flight 5342 to land on runway 33. While on final approach, an Army UH-60 “Black Hawk” helicopter collided with American Airlines Flight 5342 resulting in both aircraft impacting the Potomac River. The two pilots, two flight attendants, and 60 passengers onboard the airplane and three crew members on the helicopter—67 people—died. This mid-air collision was the deadliest aviation accident, in terms of lives lost, in the United States since 2001. Immediately following the collision, Federal authorities, alongside State and local first responders from Maryland, Virginia, and Washington, D.C., launched an aggressive search and rescue mission on the Potomac River. Furthermore, the National Transportation Safety Board (NTSB) launched an immediate investigation into the collision to determine the probable cause, contributing factors and findings, and issue recommendations to the appropriate Federal agencies.

On March 7, 2025, the NTSB issued an urgent recommendation report containing two recommendations on mitigating the risk of mid-air collisions at DCA. The NTSB’s urgent safety recommendations cautioned the Federal Aviation Administration (FAA) to prohibit operations on helicopter Route 4 between Hains Point and the Wilson Bridge while Runways 15/33 were being used at DCA. The NTSB successfully closed this urgent recommendation citing the FAA’s response “exceeded recommendation action” on May 2, 2025. Additionally, the NTSB cautioned the FAA to designate an alternative helicopter route that could be used to facilitate travel between Hains Point and the Wilson Bridge when that segment of helicopter Route 4 was closed. To date, the NTSB classifies this urgent safety recommendation as “open-acceptable response.”

Following the NTSB’s urgent safety recommendations, the FAA took immediate action to improve safety around DCA, including by:

- (1) permanently restricting non-essential helicopter operations around DCA and eliminating helicopter and fixed-wing mixed traffic;
- (2) permanently closing helicopter Route 4 between Hains Point and the Wilson Bridge and evaluated alternative helicopter routes;
- (3) keeping traffic at specific distances from fixed-wing aircraft in the event a helicopter needed to transit through the airspace on an urgent mission (lifesaving medical evacuations, priority law enforcement missions, or Presidential transport);

- (4) prohibiting the simultaneous use of Runways 15/33 and 4/22 when helicopters are conducting those urgent missions around DCA airspace; and
- (5) limiting the use of visual separation to certain Coast Guard, Marine Corps, and Park Police helicopter operations outside of the restricted airspace.

Additionally, the FAA conducted a deeper analysis of other airports in the National Airspace System (NAS) with high volumes of mixed traffic operations, utilizing machine learning and language modeling.

During the NTSB's Board meeting on January 27, 2026, the Board adopted a final report, which was subsequently published on February 17, 2026, that contained the probable cause of the collision, findings, and 50 new safety recommendations. Of the 50 safety recommendations: 33 recommendations were directed to the FAA, 8 recommendations were directed to the United States Army, 5 recommendations were directed to the Department of Defense's Policy Board on Federal Aviation, 2 recommendations were directed to the Department of Transportation (DOT), 1 recommendation was directed to the DOT Office of Inspector General, and 1 recommendation was directed to the Radio Technical Commission for Aeronautics (RTCA) Program Management Committee.

In the final report, the NTSB determined that the probable cause of the collision was primarily the FAA's placement of helicopter Route 4 near the runway approach path, the FAA's failure to regularly review helicopter routes and available data, and the overreliance on visual separation. Causal factors were determined to be ineffective application of the see-and-avoid concept within visual separation procedures, air traffic controls loss of situational awareness and high workload, lack of alerts to both flight crews, and the helicopter crew's lack of awareness of their altimeter tolerances. Additionally, the Board identified contributing factors which included: (1) the limitations of traffic awareness, collision avoidance technology, and alerts, (2) an unsustainable aircraft arrival rate at DCA, (3) the Army's inadequate safety management system (SMS), (4) the FAA's failure to fully integrate SMS, and (5) the absence of effective data sharing among the FAA, aircraft operators, and others. The culmination of the NTSB's year-long investigation revealed the need for systemic reform across several areas of aviation, including: the need to enhance situational awareness for flight crews and air traffic controllers, the need to improve helicopter route safety and separation around airports, the need to improve air traffic control processes and procedures, the need to address the shortcomings in the FAA and Army's safety culture and data sharing mechanisms, the need to reduce conflict in and around the airspace of the DCA, and the need to overhaul cooperation between the military and the FAA.

To advance adoption of NTSB's safety recommendations, on February 20, 2026, the leaders of the House Committee on Transportation and Infrastructure and House Committee on Armed Services introduced the Airspace Location and Enhanced Risk Transparency Act of 2026 (ALERT Act). The ALERT Act, as amended, is a comprehensive package that addresses all 50 safety recommendations issued by the NTSB in its final report. Specifically, the ALERT Act takes important steps to improve safety throughout the NAS by en-

surings civil aircraft are equipped and operating with technology to enhance flight crew alerting and controller situational awareness, requiring updates to helicopter route safety and separation requirements, requiring updates to air traffic control processes and procedures to promote safety, investigating the shortcomings in safety culture and data sharing at the FAA and the Department of Defense (DOD), strengthening safety standards for military aircraft and enhancing cooperation between the FAA and the DOD, enhancing the requirements and guidance for collision avoidance technology for military aircraft operating in the NAS, and requiring flight data sharing between the FAA and the DOD.

On March 26, 2026, the Transportation and Infrastructure and Armed Services Committees of the House of Representatives marked up their respective titles of the ALERT Act. Title I of the ALERT Act pertains to civil aviation matters, and is within the Committee on Transportation and Infrastructure’s jurisdiction, while Title II of the ALERT Act pertains to Department of Defense matters, under the Committee on Armed Service’s jurisdiction. Both committees ordered their respective titles to be reported to the House with a favorable recommendation, with amendment, by unanimous recorded vote. The Committee on Transportation and Infrastructure will file a separate report to accompany Title I of the ALERT Act. This report will cover Title II of the ALERT Act, as ordered reported by the Committee on Armed Services.

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

TITLE II—DEPARTMENT OF DEFENSE MATTERS

Sec. 201—Department of Defense Matters Relating to Aviation Safety

This section permanently codifies in law (via a new chapter in title 10, United States Code) the following critical safety requirements for military aircraft:

Sec. 2655—Definitions—This section defines key terms to implement language in this new chapter of title 10, including terms for collision prevention technology and sensitive aircraft data. This section also defines ‘Special Mission’ for the purpose of limiting when certain Department of Defense (DOD) aircraft are exempt from transmitting ADS-B Out.

Sec. 2656—Memorandum of agreement—This section requires the Secretary of Defense and Secretary of Transportation to reach an updated agreement regarding the use of collision mitigation technologies, including ADS-B In and Out. This section requires the broadcast of ADS-B Out as the default practice for all DOD rotary wing aircraft operating in the National Airspace System. This section requires fast adoption of collision prevention technology (ADS-B In) via tablets or standalone displays within 1 year of enactment for all DOD aircraft operating in the National Airspace System except fighters, bombers, and unmanned aircraft. This section requires the installation of collision prevention technology (ADS-B In) with integrated cockpit displays and audible alerts by December 2031 for DOD aircraft operating in the National Airspace System except fighters, bombers, and unmanned aircraft. This section also addresses the proper configuration of ADS-B Out transmissions and requires new guidelines to clarify that flight crews

have the authority to enable ADS-B Out at their discretion in response to air traffic or weather conditions. This section addresses NTSB Recommendations A-26-44, A-26-51, A-26-52, and A-26-53.

Sec. 2657—Required risk assessment and mitigation for special missions—This section requires the Secretary of Defense to coordinate with the Secretary of Transportation to carry out safety risk assessments for each type of special mission that is flown in highly congested airspace and report to Congress on those missions.

Sec. 2658—Manned rotary wing aviation safety management system—This section requires new or updated rotary wing aviation safety management systems in each military department. This approach ensures that practices are joint and repeatable across services. This section also requires that aviation safety duties be implemented in a way that allows for career progression and continued flying hours.

This section also requires servicemember aviator surveys on safety reporting, including encounters with civil air traffic, and the best ways to preserve reports of persistent issues with communications between military aircraft and air traffic controllers. The Department of Defense shall provide Congress a report outlining the findings of this section and the resources required to implement best practices. This section addresses NTSB Recommendations A-26-46, A-26-47, A-26-48, and A-26-50.

Sec. 2659—Initial and recurring training on highly congested airspace—This section requires initial and recurring training on flights near congested airspace, including helicopter routes. The DOD must consider the use of historical flight data to provide training informed by real world flight practices. This section also requires a report to Congress on how the training will be implemented consistently across the military departments. This section addresses NTSB Recommendations A-26-41 and A-26-45.

Sec. 2660—Flight data monitoring improvements—This section requires that the DOD to establish new flight data monitoring programs. These programs include new training and routing evaluations based on historical flight data, and require better integration of real-world data into pre-flight planning and risk management. This section focuses on pushing flight data tools down to the unit level to drive adoption and operational use. This section also requires new processes for sharing flight data with the Federal Aviation Administration and other flight safety stakeholders to improve transparency.

The Department of Defense must report to Congress on the implementation of each of these items and their integration into the manned rotary wing aviation safety management system required by section 2658. This section addresses NTSB Recommendations A-26-42, A-26-43, A-26-45, A-26-47, A-26-49, and A-26-50.

Sec. 2660a—Barometric altimeters—This section requires updates to manuals of impacted aircraft regarding margins of error for barometric altimeters and information regarding additional error associated with external stores system. This section also requires refresher training for flight crews on these manual updates. This section addresses NTSB Recommendation A-26-43.

Sec. 2660b—Transponder maintenance—This section requires that each military department verify the correct operation of ADS-

B Out transponders not more than every 90 days and report on the implementation of this section. This section addresses NTSB Recommendation A-26-44.

Sec. 2660c—Notifications and reports on certain near-miss events in the National Capital Region—This section requires establishment of a definition of near miss events, notifications to the Senate Committee on Armed Services and the House Committee on Armed Services regarding near miss events, and reports regarding any changes in standard operating procedures as a result of these events.

Sec. 2660d—Reports on individuals designated for purposes of special mission exclusion—This section requires a report to the Senate Committee on Armed Services and the House Committee on Armed Services regarding the use of exceptions granted by the President for purposes of section 2655(12)(B)(iii).

Sec. 2660e—Rule of Construction—This section protects inherent DOD and Department of Transportation statutory authorities.

Sec. 202—Repeal of Prior Provision of Law on Manned Rotary Wing Aircraft Safety

This section repeals section 2654 of title 10, United States Code, that was enacted by the National Defense Authorization Act for Fiscal Year 2026 (Public Law 119-60).

Sec. 203—Treatment of Superseded Memorandum of Agreement and Provision of Law

This section provides for a transition from the requirements of section 1046 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) and the memorandum of agreement between the Department of Defense and the Federal Aviation Administration entered into on May 10, 2024, to the new memorandum required by this Act.

Sec. 204—Report on Communications Degradation

This section requires a report on communications degradation and requires the Department of Defense to submit a plan to Congress to utilize major avionics upgrades as opportunities to install new technology to address these issues. This section addresses NTSB Recommendation A-26-49.

Sec. 205—Annual Report on Proficiency Flights in National Capitol Region

This section requires reports to Congress on certain flights conducted in the National Capitol Region.

Sec. 206—Briefing on Virtual Constructive Training

This section requires a briefing to the congressional defense committees on the use of virtual flight training by the Armed Forces.

Sec. 207—Transparency Regarding Midair Collision Near Ronald Reagan Washington National Airport on January 29, 2025

This section requires the Secretary of the Army to transmit a copy of the Army's investigation of the crash on January 29, 2025, to the Senate Committee on Armed Services and the House Com-

mittee on Armed Services with limited redactions and an Inspector General of the Army review of such investigation and findings.

COMMITTEE POSITION

On March 26, 2026, the committee met in open session and ordered the bill H.R. 7613, as amended, favorably reported to the House by a recorded vote of 53–0, a quorum being present.

COMMITTEE VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, one recorded vote was taken with respect to the committee’s consideration of H.R. 7613. The record of this vote is contained on the following page.

The committee ordered the bill H.R. 7613, as amended, favorably reported to the House by a recorded vote of 53–0, a quorum being present.

COMMITTEE ON ARMED SERVICES

RECORDED VOTE NO. 1

H.R. 7613

On the motion to report H.R. 7613, as amended, favorably to the House.

Member	Aye	No	Present	Member	Aye	No	Present
Mr. Rogers (AL)	X			Mr. Smith (WA)	X		
Mr. Wilson (SC)				Mr. Courtney (CT)	X		
Mr. Turner (OH)	X			Mr. Garamendi (CA)	X		
Mr. Wittman (VA)	X			Mr. Norcross (NJ)	X		
Mr. Scott (GA)	X			Mr. Moulton (MA)			
Mr. Graves (MO)	X			Mr. Carbajal (CA)	X		
Ms. Stefanik (NY)	X			Mr. Khanna (CA)	X		
Dr. DesJarlais (TN)	X			Mr. Keating (MA)	X		
Mr. Kelly (MS)	X			Ms. Houlahan (PA)	X		
Mr. Bacon (NE)	X			Mr. Crow (CO)	X		
Mr. Bergman (MI)	X			Mr. Golden (ME)	X		
Dr. Jackson (TX)	X			Ms. Jacobs (CA)	X		
Mr. Fallon (TX)	X			Ms. Strickland (WA)	X		
Mr. Gimenez (FL)	X			Mr. Ryan (NY)	X		
Ms. Mace (SC)	X			Mr. Vasquez (NM)	X		
Mr. Finstad (MN)	X			Mr. Deluzio (PA)	X		
Mr. Luttrell (TX)	X			Ms. Tokuda (HI)	X		
Mrs. Kiggans (VA)	X			Mr. Davis (NC)	X		
Mr. Moylan (GU)	X			Mr. Cisneros (CA)	X		
Mr. Mills (FL)	X			Mr. Sorensen (IL)	X		
Dr. McCormick (GA)	X			Ms. Goodlander (NH)	X		
Mr. Gooden (TX)	X			Ms. Elfreth (MD)	X		
Mr. Higgins (LA)				Mr. Whitesides (CA)	X		
Mr. Van Orden (WI)				Mr. Tran (CA)	X		
Mr. McGuire (VA)	X			Mr. Vindman (VA)	X		
Mr. Harrigan (NC)	X			Mr. Bell (MO)	X		
Mr. Messmer (IN)	X			Dr. Conaway (NJ)	X		
Mr. Schmidt (KS)	X						
Mr. Crank (CO)	X						
Mr. Hamadeh (AZ)	X						
Recorded Vote Total:							
	53	0	0				

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 7613. The committee has requested but has not received a cost estimate from the Director of the Congressional Budget Office. However, pursuant to clause 3(d)(1) of House rule XIII, the committee will adopt as its own the cost estimate by the Director of the Congressional Budget Office once it has been prepared.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of H.R. 7613 is to improve the safety and effectiveness of Department of Defense manned rotary wing aviation and other activities.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 7613 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

HEARINGS

For the purposes of clause 3(c)(6)(A) of rule XIII, the Committee on Armed Services held no hearings on H.R. 7613.

ADVISORY OF EARMARKS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the committee finds that H.R. 7613 contains no earmarks, limited tax benefits, or limited tariff benefits.

STATEMENT OF FEDERAL MANDATES

With respect to the requirements of section 423 of the Unfunded Mandates Reform Act, the committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether the provisions of the reported bill include unfunded mandates. The committee will adopt as its own the estimate once it has been prepared by the Director.

FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The committee finds that this legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by title II of the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 10, UNITED STATES CODE

* * * * *

SUBTITLE A—GENERAL MILITARY LAW

* * * * *

PART IV—SERVICE, SUPPLY, AND PROPERTY

Chap.		Sec.
131.	Planning and Coordination	2201
	* * * * *	
158.	<i>Aviation Safety</i>	2655
	* * * * *	

CHAPTER 157—TRANSPORTATION

Sec.	
	* * * * *
	[2654. Aircraft safety: requirements for certain highly trafficked domestic airspace.]
	* * * * *

§ 2654. Aircraft safety: requirements for certain highly trafficked domestic airspace

[(a) LIMITATION ON OPERATION.—Notwithstanding section 1046 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232, 49 U.S.C. 40101 note), except as provided in subsection (b), the Secretary of a military department may not authorize any manned rotary wing aircraft of the Department of Defense to operate a training mission in a covered airspace unless such aircraft, while being operated, is actively providing warning of the proximity of such aircraft to nearby commercial aircraft in a manner compatible with the traffic alert and collision avoidance system of such commercial aircraft.

[(b) WAIVER AUTHORITY.—The Secretary of a military department, with the concurrence of the Secretary of Transportation, may waive the limitation under subsection (a) with respect to the operation of an aircraft if that Secretary—

[(1) determines that—

[(A) such waiver is in the national security interests of the United States; and

[(B) a commercial aviation compatibility risk assessment has been conducted with respect to the operation of the aircraft pursuant to the waiver to mitigate the risk associated with such operation; and

[(2) in the case of a waiver to be in effect for a period exceeding 30 days, submits to appropriate congressional committees notice of such waiver, including a copy of the applicable commercial aviation compatibility risk assessment specified in paragraph (1)(B).

[(c) LIMITATION ON DELEGATION.—The Secretary of a military department may not delegate the waiver authority under subsection (b) to an official whose rank is below a general or flag officer.

[(d) DEFINITIONS.—

[(1) The term “appropriate congressional committees” means—

[(A) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives; and

[(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

[(2) The term “covered airspace” means the Washington, DC Metropolitan Area Special Flight Rules Area, as such term is defined in section 93.335 of title 14, Code of Federal Regulations, or any successor regulation.]

CHAPTER 158—AVIATION SAFETY

Sec.

2655. *Definitions.*

2656. *Memorandum of agreement.*

2657. *Required risk assessment and mitigation for special missions.*

2658. *Manned rotary wing aviation safety management system.*

2659. *Initial and recurring training on highly congested airspace.*

2660. *Flight data monitoring improvements.*

2660a. *Barometric altimeters.*

2660b. *Transponder maintenance.*

2660c. Notifications and reports on certain near-miss events in National Capital Region.

2660d. Reports on individuals designated for purposes of special mission exclusion.

2660e. Rule of construction.

§2655. Definitions

In this chapter:

(1) The term “ADS-B In” means technology that receives and processes Automatic Dependent Surveillance-Broadcast (ADS-B) transmissions that are broadcast in accordance with parts 91.225 and 91.227 of title 14, Code of Federal Regulations, and other aviation advisory information from ground stations, including Traffic Information Service-Broadcast (TIS-B) and Automatic Dependent Surveillance-Rebroadcast (ADS-R).

(2) The term “ADS-B Out” has the meaning given such term in part 91.227 of title 14, Code of Federal Regulations.

(3) The term “air traffic control services” means services used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and the provision of aeronautical information.

(4) The term “appropriate congressional committees” means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(5) The term “Class B Mode C veil” means any location described in part 91.225(d)(2) of title 14, Code of Federal Regulations.

(6) The term “collision prevention technology” means technology that—

(A) has ADS-B In;

(B) uses ADS-B data; and

(C) provides, and is configured to provide, alerting that is audible to the pilot and flight crew.

(7) The term “Department of Defense aircraft” means any aircraft, either manned or unmanned, that is owned, operated, or controlled by the Department of Defense or operated pursuant to a contract entered into by the Department of Defense.

(8) The term “historical flight data”—

(A) means data derived from Department of Defense or external sources regarding the actual flights taken by relevant Department of Defense aircraft, such as flight paths, altitudes, and other flight characteristics, that would provide a point of comparison to evaluate planned flights or review prior flights for adherence to published flight routes or flight plans; and

(B) does not include notional data generated for planning or training purposes.

(9) The term “manned rotary wing aviation safety management system”—

(A) means training, policies and practices related to rotary wing aviation safety; and

(B) does not refer to equipment installed or carried on aircraft for flight operations.

(10) The term “National Capital Region” means—

(A) the geographic area located within the boundaries of—

- (i) the District of Columbia;
- (ii) Montgomery and Prince Georges Counties in the State of Maryland;
- (iii) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia; and
- (iv) all cities and other units of government within the geographic areas described in clauses (i) through (iii); or

(B) the geographic area prescribed for such region in the memorandum of agreement required by section 2656 of this title, except that such geographic area may not exceed the boundaries described in clauses (i) through (iv) of subparagraph (A).

(11) The term “sensitive aircraft data” means—

(A) Department of Defense aircraft information relating to classified aircraft, aircraft involved in continuity of government operations or nuclear command and control, fighter aircraft, bomber aircraft, special mission aircraft, or unmanned aircraft systems; and

(B) other information which, if publicly disclosed or aggregated, would reveal the capabilities of Department of Defense aircraft and could reasonably be expected to cause serious damage to national security.

(12) The term “special mission”—

(A) means any mission of the Department of Defense relating to activities which, if publicly disclosed, could reasonably be expected to cause serious damage to national security; and

(B) does not include—

- (i) unclassified flights;
- (ii) flight crew proficiency flights; or
- (iii) the transportation of any Government official other than a head of an executive department (as such term is defined in section 101 of title 5), a member of the Joint Chiefs of Staff, a commander of a combatant command, or any other individual designated by the President for purposes of this paragraph.

(13) The term “special mission aircraft” means a Department of Defense aircraft performing a special mission, either permanently or temporarily.

(14) The term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49.

§ 2656. Memorandum of agreement

(a) MEMORANDUM REQUIRED.—(1) Not later than September 30, 2026, the Secretary of Transportation and the Secretary of Defense shall enter into, and jointly submit to the appropriate congressional committees a copy of, a memorandum of agreement that—

(A) provides that fighter aircraft, bomber aircraft, unmanned aircraft systems, and other special mission aircraft that are not equipped or not yet equipped with collision prevention technologies or ADS-B Out, or successor technologies, will be rea-

sonably accommodated for safe operations in the national airspace system and provided with necessary air traffic control services; and

(B) establishes policies governing the operation of collision prevention technologies and ADS-B Out, or successor technologies, including proper maintenance and routine verification practices for such systems, on Department of Defense aircraft, consistent with this chapter.

(2) The Secretary of Transportation and the Secretary of Defense, or the designees thereof, shall consult not less frequently than semi-annually on any appropriate updates to the memorandum required by this subsection to reflect safe, effective, and modern air traffic identification, air space management, and related equipment.

(b) COLLISION AVOIDANCE MATTERS.—(1) The Secretary of Defense shall ensure that the memorandum of agreement required by subsection (a) includes, at a minimum—

(A) a requirement that, beginning on a date agreed to and set forth in such memorandum or the date that is one year after the date of the enactment of this section, whichever occurs first, the Secretary of a military department may not authorize any Department of Defense manned rotary wing aircraft to operate a mission in the National Capital Region unless such aircraft is actively transmitting an ADS-B Out broadcast, or successor technology, unless—

(i) the Secretary of the military department, in coordination with the Secretary of Transportation, has conducted a safety risk assessment and implemented mitigations, as appropriate, to ensure safety in the National Capital Region; and

(ii) such aircraft is carrying out a special mission;

(B) procedures requiring the use of ADS-B Out as the default practice by Department of Defense manned rotary wing aircraft when operating in the national airspace system, unless such use would affect the operational security of Department of Defense aircraft or special missions;

(C) consistent with section 2660b of this title, procedures for ensuring the correct configuration of ADS-B Out and other transponders, including routine intervals for verifying transponder settings and proper operation;

(D) operational procedures to allow flight crews to enable ADS-B Out transmission while in flight in the national airspace system, including in response to air traffic or weather conditions; and

(E) provisions to protect sensitive aircraft data from unnecessary disclosure, including by mitigating risks regarding the inadvertent disclosure of such data or information regarding special missions.

(2)(A) The Secretary of Defense shall ensure that—

(i) by not later than 180 days after the date on which the Secretary of Defense and the Secretary of Transportation submit to the appropriate congressional committees a copy of the memorandum of agreement required by subsection (a), Department of Defense aircraft that are not fighter aircraft, bomber aircraft, unmanned aircraft systems, or other special mission aircraft, are equipped and operating with an integrated system, fed-

erated system, or standalone device that displays traffic information to the pilot and flight crew; and

(ii) by not later than December 31, 2031, such Department of Defense aircraft are equipped and operating with an integrated collision prevention technology system.

(B) In carrying out subparagraph (A), the Secretary of Defense shall take into consideration—

(i) any need to protect the technology or systems described in such subparagraph against man-made electronic interference;

(ii) appropriate mitigations to known security vulnerabilities associated with such technology or systems;

(iii) appropriate safeguards for sensitive aircraft data, classified material, equipment, or special missions when aircraft described in such subparagraph are equipped and operating with collision prevention technology;

(iv) updated guidance, tactics, techniques, procedures, or training with respect to electromagnetic emissions related to such technology and systems; and

(v) placement in flight deck, field of view of pilots, and human factors, to ensure such technology is effective, may be readily used, and has minimal risk of unexpected detachment.

(3) The Secretary of Defense shall ensure that the Secretary of Transportation receives accurate information regarding the configurations recommended by each military department for each relevant aircraft type while such aircraft operate in the national airspace system.

(4) In implementing the memorandum of agreement required by subsection (a), the Secretary of Defense, or the Secretary of a military department, may exempt from relevant portions of such memorandum an individual aircraft on a case-by-case basis if such Secretary determines that the aircraft—

(A) is not airworthy, is otherwise unrepairable, or is not reasonably expected to return to service;

(B) is an aircraft for which depot-level maintenance or a substantial overhaul of avionics-related equipment, including the installation of collision prevention technology, is scheduled to occur prior to December 31, 2030;

(C) is scheduled to be retired from service prior to September 30, 2028; or

(D) is an unpowered aircraft not suitable for collision prevention technology due to airframe limitations, including gliders used for pilot instruction.

(c) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall provide to the Secretary of Transportation notification of any aircraft the Secretary of Defense designates as a special mission aircraft operating within the United States (as such term is defined in section 1.1 of title 14, Code of Federal Regulations), for purposes of this chapter. Such notification may identify such aircraft by type, model, series, or another means agreed to in the memorandum of agreement required by subsection (a).

(d) **COLLISION PREVENTION TECHNOLOGY EQUIPAGE.**—In implementing a memorandum of agreement pursuant to this section or any other provision of law, to protect the operational security of Department of Defense aircraft, the Secretary of Defense shall retain the sole control over the determination of which specific collision

prevention technology is appropriate for installation and operation in any such aircraft.

§2657. Required risk assessment and mitigation for special missions

(a) *RISK ASSESSMENT.*—The Secretary of each military department, in coordination with the Secretary of Transportation, shall conduct a risk assessment, and recommend and implement, as appropriate, mitigations as a result of such assessment, to ensure safety in the national airspace system for each type of planned or anticipated special mission of a manned rotary wing aircraft of such military department that would involve operations occurring in whole or in part within a Class B Mode C veil airspace.

(b) *IMPLEMENTATION.*—The requirement under subsection (a) shall be carried out in a manner mutually agreed to by the Secretary of Defense and the Secretary of Transportation in the memorandum of agreement required by section 2656 of this title.

(c) *INITIAL REPORT.*—(1) Not later than one year after the date on which the Secretary of Defense and the Secretary of Transportation submit to the appropriate congressional committees a copy of the memorandum of agreement required by section 2656 of this title, the Secretary of Defense shall submit to the congressional defense committees a report on the types of special mission activities assessed, and any mitigation recommended or implemented, pursuant to subsection (a). Such report shall include, for each month during the 12-month period preceding the date of the submission of the report, the actual number of special mission flights flown with ADS-B Out turned off, in whole or in part, within a Class B Mode C veil airspace, disaggregated by special mission activity.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) *SUBSEQUENT REPORT.*—(1) Not later than one year after the date of the submission of the report under subsection (c), the Secretary of Defense shall submit to the congressional defense committees a report that includes, for each month during the 12-month period preceding the date of the submission of the report, the actual number of special mission flights that the Secretary of Defense has flown with ADS-B Out turned off, in whole or in part, within a Class B Mode C veil airspace, disaggregated by special mission activity.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

§2658. Manned rotary wing aviation safety management system

(a) *REQUIREMENT.*—The Secretary of Defense shall ensure that, by not later than March 1, 2027, the Secretary of each military department has established a robust manned rotary wing aviation safety management system, or updated an existing such system, to provide for—

(1) responsibilities with respect to such system that are clearly delineated from other occupational safety responsibilities;

(2) staffing and other resources required for the operation of such system; and

(3) the implementation of such system in a manner that is functionally integrated with relevant units.

(b) **QUALIFICATION PROTECTIONS.**—The Secretary shall ensure that the implementation of a manned rotary wing aviation safety management system required under subsection (a) does not preclude an individual assigned manned rotary wing aviation safety management system duties from maintaining appropriate qualifications, flying hours, professional military education, or other activities required for career advancement on the basis of being assigned such duties.

(c) **AVIATOR SURVEY.**—Not later than one year after the date of the enactment of this section, the Secretary shall carry out a survey of rotary aircraft flight crews across the Department of Defense to identify operationally relevant and responsive flight safety reporting systems. Such survey shall include the collection of information regarding—

- (1) barriers to the use of such systems perceived by pilots;
- (2) responsive reporting methods for identifying and collecting important safety reporting;
- (3) systems for collecting relevant safety reporting that may be used in conjunction with historical flight data to provide insights that may be used in carrying out section 2660 of this title;
- (4) options for reporting safety incidents, including encounters with civil air traffic operating in the national airspace system, without retaliation, judgment, or undue consequence;
- (5) preserving reports of persistent issues with communications, either incoming or outgoing, with air traffic controllers or other aircraft in controlled airspace; and
- (6) integrating improved flight safety reporting into current operations.

(d) **REPORTS.**—Not later than 90 days after the date on which the survey under subsection (c) is completed, and on a semiannual basis thereafter until December 31, 2031, the Secretary shall submit to the congressional defense committees a report containing—

- (1) an outline of the funding and personnel resources necessary to implement the requirements under subsection (a), and appropriate findings from the survey under subsection (c), with respect to each military department;
- (2) an outline of the safety functions, practices, training, and reporting required under each manned rotary wing aviation safety management system established or updated under subsection (a);
- (3) an assessment of which military department practices most closely align to the best practicable solutions identified pursuant to the findings from the survey under subsection (c);
- (4) a plan to implement the requirements under subsection (a) and appropriate findings from the survey under subsection (c); and
- (5) a plan to ensure active duty units and National Guard units receive the same benefits from an improved manned rotary wing aviation safety management system.

(e) **COMPTROLLER GENERAL REVIEW.**—(1) The Comptroller General of the United States shall conduct a review of the efficacy of the manned rotary wing aviation safety management systems estab-

lished or updated pursuant to subsection (a). Such review shall include—

(A) an assessment of the extent to which the Secretary has implemented the requirements under subsection (a);

(B) an assessment of the extent to which the Secretary has developed an approach to identify and mitigate any risks in implementing subsection (a); and

(C) any other matters the Comptroller General determines are relevant.

(2) Not later than September 1, 2027, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the review required under paragraph (1). The Comptroller General shall provide to such committees the final results of such review in a mutually agreed upon format and timeframe.

§2659. Initial and recurring training on highly congested airspace

(a) **REQUIRED TRAINING.**—The Secretary of Defense shall ensure that, by not later than March 1, 2027, flight crews for Department of Defense manned rotary wing aircraft operating in the national airspace system receive appropriate initial and recurring training regarding fixed-wing operations within Class B Mode C veil airspace routinely encountered in the course of operations from the assigned duty station of the flight crew. Such training shall include training on approach and departure paths, runway configurations, and the interaction of those traffic flows with published helicopter routes.

(b) **USE OF HISTORICAL FLIGHT DATA.**—In developing the training described in subsection (a), the Secretary shall consider historical flight data from Department of Defense manned rotary wing aircraft operating in the associated airspace.

(c) **REPORT.**—Not later than March 1, 2027, the Secretary shall submit to the congressional defense committees a report containing a description of how each military department has implemented the training requirements under subsection (a) and how the Secretary has ensured consistency with respect to such implementation across the military departments.

§2660. Flight data monitoring improvements

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this section, the Secretary of Defense shall develop and implement standards across the military departments to ensure that Department of Defense manned rotary wing aircraft operations in the national airspace system, and associated training, routes, and activities, are informed by accurate recorded flight data to—

(1) monitor operational patterns;

(2) identify operational safety risks; and

(3) support the development and implementation of effective risk controls for missions in the national airspace system.

(b) **DATA USE.**—In carrying out subsection (a), the Secretary shall—

(1) seek to use—

- (A) existing data sets and tools to allow for convenient and expeditious use of such data at the lowest possible level; and
 - (B) systems that allow for flight data to be evaluated for accuracy on a recurrent basis; and
 - (2) conduct a review, and establish procedures based on the results of such review, to ensure flight data is evaluated for accuracy at an appropriate organizational level and on a recurrent basis.
- (c) **IMPLEMENTATION UPDATES.**—The Secretary shall provide to the congressional defense committees updates on—
- (1) the implementation of this section; and
 - (2) the incorporation of the standards developed and data collected pursuant to this section into the manned rotary wing aviation safety management systems required under section 2658 of this title.
- (d) **DATA SHARING.**—(1) The Secretary of Defense shall—
- (A) conduct a review across the military departments to identify flight data that may be readily shared with the Secretary of Transportation; and
 - (B) implement a process to share safety data with the Secretary of Transportation.
- (2) To the extent the Secretary of Defense determines necessary, data shared pursuant to paragraph (1) may be de-identified.

§2660a. Barometric altimeters

- (a) **MANUALS.**—The Secretary of Defense shall promptly update, and maintain, appropriate manuals of the Department of Defense for manned rotary wing aircraft, to provide clear guidance regarding—
- (1) the expected standard margin of error for barometric altimeters for each class of such aircraft; and
 - (2) the total potential error resulting from additional aircraft equipment with respect to an otherwise airworthy barometric altimeter, including increased position error associated with external stores support system configurations.
- (b) **INCORPORATION OF DATA.**—In updating the manuals under subsection (a), the Secretary shall incorporate observations derived from external data sources, including historical flight data monitoring from external sources, to better understand the total potential error of barometric altimeters in various aircraft configurations.
- (c) **TRAINING.**—Not later than 30 days after the date on which the Secretary updates the manuals under subsection (a), the Secretary shall require appropriate refresher training for the crew of any aircraft subject to such an updated manual.

§2660b. Transponder maintenance

- (a) **REQUIRED INTERVALS.**—The Secretary of each military department shall establish routine intervals for verifying the correct configuration and function of ADS-B Out transponders, and related equipment, for aircraft of such military department required to use such transponders. Such intervals may not be less frequent than once every 90 days.
- (b) **REPORTS.**—Not later than 30 days after the date of the submission of the budget of the President under section 1105(a) of title

31 for fiscal years 2028 through 2033, the Secretary of each military department shall submit to the congressional defense committees a report that details the following:

(1) Compliance across such military department with respect to the required maintenance intervals established under subsection (a).

(2) The total number of instances, disaggregated by military installation, in which an ADS-B Out transponder was not serviced in accordance with the applicable maintenance interval established under subsection (a).

(3) Any additional personnel, resources, or equipment required to simplify or otherwise improve maintenance requirements associated with carrying out this section.

§2660c. Notifications and reports on certain near-miss events in National Capital Region

(a) NOTIFICATIONS.—Not later than one week after the date on which a covered near-miss event occurs, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a notification of such event.

(b) ESTABLISHMENT OF ASSOCIATED DEFINITION.—Not later than 60 days after the date of the enactment of this section, the Secretary, in coordination with a working group determined appropriate by the Secretary, shall establish a definition of the term “close proximity encounter” for purposes of this section.

(c) REPORTS.—Not later than 180 days after the date on which the definition under subsection (b) is established, on a biannual basis thereafter for the following two-year period, and not less frequently than annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing, with respect to the period covered by the report—

(1) an identification of the number of covered near-miss events that occurred during such period;

(2) for each such event, an identification of any cause of such event;

(3) a description any modification to relevant standard operating procedures or other policies of the Department of Defense issued, or planned to be issued, to address such events; and

(4) a description of the status of implementation of any such modification.

(d) COVERED NEAR-MISS EVENT DEFINED.—In this section, the term “covered near-miss event” means a close proximity encounter (as such term is defined pursuant to subsection (b)) that—

(1) involves at least one Department of Defense aircraft; and

(2) occurs in the National Capital Region.

§2660d. Reports on individuals designated for purposes of special mission exclusion

(a) REPORTS.—Not later than one year after the date of the enactment of this section, and on an annual basis thereafter, the President shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing, with respect to the preceding year—

(1) *an identification of any individual designated by the President for purposes of section 2655(12)(B)(iii) of this title; and*

(2) *a description of how often individuals so designated were transported in connection with a mission that, but for such designation, would be considered a special mission.*

(b) *FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.*

§2660e. Rule of construction

Nothing in this chapter shall be construed to—

(1) *vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49 or any other provision of law;*

(2) *vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title or any other provision of law;*

(3) *limit the authority or discretion of the Secretary of Transportation or the Administrator of the Federal Aviation Administration to operate air traffic control services to ensure the safe minimum separation of aircraft in flight and the efficient use of airspace;*

(4) *apply a rule, guidance, plan, carriage requirement, or memorandum established, modified, or reissued pursuant to any other provision of law to any Department of Defense aircraft except through a process established in the memorandum of agreement required by section 2656 of this title; or*

(5) *require a Department of Defense aircraft to compromise operational security during a combat operation.*

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