

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7613
OFFERED BY MR. ROGERS OF ALABAMA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. [PLACEHOLDER].**

2 **SEC. 2. [PLACEHOLDER].**

3 **TITLE I—[PLACEHOLDER]**

4 **TITLE II—DEPARTMENT OF**

5 **DEFENSE MATTERS**

6 **SEC. 201. DEPARTMENT OF DEFENSE MATTERS RELATING**

7 **TO AVIATION SAFETY.**

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

10 **“CHAPTER 158—AVIATION SAFETY**

11 **“§ 2655. Definitions**

12 “In this chapter:

13 “(1) The term ‘ADS–B In’ means technology
14 that receives and processes Automatic Dependent
15 Surveillance–Broadcast (ADS–B) transmissions that
16 are broadcast in accordance with parts 91.225 and
17 91.227 of title 14, Code of Federal Regulations, and
18 other aviation advisory information from ground sta-

1 tions, including Traffic Information Service–Broad-
2 cast (TIS–B) and Automatic Dependent Surveil-
3 lance–Rebroadcast (ADS–R).

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

7 “(3) The term ‘air traffic control services’
8 means services used for the monitoring, directing,
9 control, and guidance of aircraft or flows of aircraft
10 and for the safe conduct of flight, including commu-
11 nications, navigation, and surveillance services and
12 the provision of aeronautical information.

13 “(4) The term ‘appropriate congressional com-
14 mittees’ means the congressional defense commit-
15 tees, the Committee on Transportation and Infra-
16 structure of the House of Representatives, and the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate.

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

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

24 “(A) has ADS–B In;

25 “(B) uses ADS–B data; and

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

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

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

10 “(A) means data derived from Department
11 of Defense or external sources regarding the ac-
12 tual flights taken by relevant Department of
13 Defense aircraft, such as flight paths, altitudes,
14 and other flight characteristics, that would pro-
15 vide a point of comparison to evaluate planned
16 flights or review prior flights for adherence to
17 published flight routes or flight plans; and

18 “(B) does not include notional data gen-
19 erated for planning or training purposes.

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

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

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

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

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

5 “(i) the District of Columbia;

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

8 “(iii) Arlington, Fairfax, Loudoun,
9 and Prince William Counties and the City
10 of Alexandria in the Commonwealth of Vir-
11 ginia; and

12 “(iv) all cities and other units of gov-
13 ernment within the geographic areas de-
14 scribed in clauses (i) through (iii); or

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

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

23 “(A) Department of Defense aircraft infor-
24 mation relating to classified aircraft, aircraft
25 involved in continuity of government operations

1 or nuclear command and control, fighter air-
2 craft, bomber aircraft, special mission aircraft,
3 or unmanned aircraft systems; and

4 “(B) other information which, if publicly
5 disclosed or aggregated, would reveal the capa-
6 bilities of Department of Defense aircraft and
7 could reasonably be expected to cause serious
8 damage to national security.

9 “(12) The term ‘special mission’—

10 “(A) means any mission of the Depart-
11 ment of Defense relating to activities which, if
12 publicly disclosed, could reasonably be expected
13 to cause serious damage to national security;
14 and

15 “(B) does not include—

16 “(i) unclassified flights;

17 “(ii) flight crew proficiency flights; or

18 “(iii) the transportation of any Gov-
19 ernment official other than a head of an
20 executive department (as such term is de-
21 fined in section 101 of title 5), a member
22 of the Joint Chiefs of Staff, a commander
23 of a combatant command, or any other in-
24 dividual designated by the President for
25 purposes of this paragraph.

1 “(13) The term ‘special mission aircraft’ means
2 a Department of Defense aircraft performing a spe-
3 cial mission, either permanently or temporarily.

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

7 **“§ 2656. Memorandum of agreement**

8 “(a) MEMORANDUM REQUIRED.—(1) Not later than
9 September 30, 2026, the Secretary of Transportation and
10 the Secretary of Defense shall enter into, and jointly sub-
11 mit to the appropriate congressional committees a copy
12 of, a memorandum of agreement that—

13 “(A) provides that fighter aircraft, bomber air-
14 craft, unmanned aircraft systems, and other special
15 mission aircraft that are not equipped or not yet
16 equipped with collision prevention technologies or
17 ADS–B Out, or successor technologies, will be rea-
18 sonably accommodated for safe operations in the na-
19 tional airspace system and provided with necessary
20 air traffic control services; and

21 “(B) establishes policies governing the oper-
22 ation of collision prevention technologies and ADS–
23 B Out, or successor technologies, including proper
24 maintenance and routine verification practices for

1 such systems, on Department of Defense aircraft,
2 consistent with this chapter.

3 “(2) The Secretary of Transportation and the Sec-
4 retary of Defense, or the designees thereof, shall consult
5 not less frequently than semiannually on any appropriate
6 updates to the memorandum required by this subsection
7 to reflect safe, effective, and modern air traffic identifica-
8 tion, air space management, and related equipment.

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

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

22 “(i) the Secretary of the military depart-
23 ment, in coordination with the Secretary of
24 Transportation, has conducted a safety risk as-
25 sessment and implemented mitigations, as ap-

1 appropriate, to ensure safety in the National Cap-
2 ital Region; and

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

5 “(B) procedures requiring the use of ADS–B
6 Out as the default practice by Department of De-
7 fense manned rotary wing aircraft when operating in
8 the national airspace system, unless such use would
9 affect the operational security of Department of De-
10 fense aircraft or special missions;

11 “(C) consistent with section 2660b of this title,
12 procedures for ensuring the correct configuration of
13 ADS–B Out and other transponders, including rou-
14 tine intervals for verifying transponder settings and
15 proper operation;

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

20 “(E) provisions to protect sensitive aircraft
21 data from unnecessary disclosure, including by miti-
22 gating risks regarding the inadvertent disclosure of
23 such data or information regarding special missions.

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

1 “(i) by not later than 180 days after the date
2 on which the Secretary of Defense and the Secretary
3 of Transportation submit to the appropriate congress-
4 sional committees a copy of the memorandum of
5 agreement required by subsection (a), Department
6 of Defense aircraft that are not fighter aircraft,
7 bomber aircraft, unmanned aircraft systems, or
8 other special mission aircraft, are equipped and op-
9 erating with an integrated system, federated system,
10 or standalone device that displays traffic information
11 to the pilot and flight crew; and

12 “(ii) by not later than December 31, 2031, such
13 Department of Defense aircraft are equipped and
14 operating with an integrated collision provision tech-
15 nology system.

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

18 “(i) any need to protect the technology or sys-
19 tems described in such subparagraph against man-
20 made electronic interference;

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

24 “(iii) appropriate safeguards for sensitive air-
25 craft data, classified material, equipment, or special

1 missions when aircraft described in such subpara-
2 graph are equipped and operating with collision pre-
3 vention technology;

4 “(iv) updated guidance, tactics, techniques, pro-
5 cedures, or training with respect to electromagnetic
6 emissions related to such technology and systems;
7 and

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

12 “(3) The Secretary of Defense shall ensure that the
13 Secretary of Transportation receives accurate information
14 regarding the configurations recommended by each mili-
15 tary department for each relevant aircraft type while such
16 aircraft operate in the national airspace system.

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

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

1 “(B) is an aircraft for which depot-level mainte-
2 nance or a substantial overhaul of avionics-related
3 equipment, including the installation of collision pre-
4 vention technology, is scheduled to occur prior to
5 December 31, 2030;

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

8 “(D) is an unpowered aircraft not suitable for
9 collision prevention technology due to airframe limi-
10 tations, including gliders used for pilot instruction.

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

20 “(d) COLLISION PREVENTION TECHNOLOGY EQUI-
21 PAGE.—In implementing a memorandum of agreement
22 pursuant to this section or any other provision of law, to
23 protect the operational security of Department of Defense
24 aircraft, the Secretary of Defense shall retain the sole con-
25 trol over the determination of which specific collision pre-

1 vention technology is appropriate for installation and oper-
2 ation in any such aircraft.

3 **“§ 2657. Required risk assessment and mitigation for**
4 **special missions**

5 “(a) RISK ASSESSMENT.—The Secretary of each
6 military department, in coordination with the Secretary of
7 Transportation, shall conduct a risk assessment, and rec-
8 ommend and implement, as appropriate, mitigations as a
9 result of such assessment, to ensure safety in the national
10 airspace system for each type of planned or anticipated
11 special mission of a manned rotary wing aircraft of such
12 military department that would involve operations occur-
13 ring in whole or in part within a Class B Mode C veil
14 airspace.

15 “(b) IMPLEMENTATION.—The requirement under
16 subsection (a) shall be carried out in a manner mutually
17 agreed to by the Secretary of Defense and the Secretary
18 of Transportation in the memorandum of agreement re-
19 quired by section 2656 of this title.

20 “(c) REPORT.—(1) Not later than one year after the
21 date on which the Secretary of Defense and the Secretary
22 of Transportation submit to the appropriate congressional
23 committees a copy of the memorandum of agreement re-
24 quired by section 2656 of this title, the Secretary of De-
25 fense shall submit to the congressional defense committees

1 a report on the types of special mission activities assessed,
2 and any mitigation recommended or implemented, pursu-
3 ant to subsection (a).

4 “(2) The report under paragraph (1) shall be sub-
5 mitted in unclassified form, but may include a classified
6 annex.

7 **“§ 2658. Manned rotary wing aviation safety manage-**
8 **ment system**

9 “(a) REQUIREMENT.—The Secretary of Defense shall
10 ensure that, by not later than March 1, 2027, the Sec-
11 retary of each military department has established a ro-
12 bust manned rotary wing aviation safety management sys-
13 tem, or updated an existing such system, to provide for—

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

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

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

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

1 manned rotary wing aviation safety management system
2 duties from maintaining appropriate qualifications, flying
3 hours, professional military education, or other activities
4 required for career advancement on the basis of being as-
5 signed such duties.

6 “(c) AVIATOR SURVEY.—Not later than one year
7 after the date of the enactment of this section, the Sec-
8 retary shall carry out a survey of rotary aircraft flight
9 crews across the Department of Defense to identify oper-
10 ationally relevant and responsive flight safety reporting
11 systems. Such survey shall include the collection of infor-
12 mation regarding—

13 “(1) barriers to the use of such systems per-
14 ceived by pilots;

15 “(2) responsive reporting methods for identi-
16 fying and collecting important safety reporting;

17 “(3) systems for collecting relevant safety re-
18 porting that may be used in conjunction with histor-
19 ical flight data to provide insights that may be used
20 in carrying out section 2660 of this title;

21 “(4) options for reporting safety incidents, in-
22 cluding encounters with civil air traffic operating in
23 the national airspace system, without retaliation,
24 judgment, or undue consequence;

1 “(5) preserving reports of persistent issues with
2 communications, either incoming or outgoing, with
3 air traffic controllers or other aircraft in controlled
4 airspace; and

5 “(6) integrating improved flight safety report-
6 ing into current operations.

7 “(d) REPORTS.—Not later than 90 days after the
8 date on which the survey under subsection (c) is com-
9 pleted, and on a semiannual basis thereafter until Decem-
10 ber 31, 2031, the Secretary shall submit to the congres-
11 sional defense committees a report containing—

12 “(1) an outline of the funding and personnel re-
13 sources necessary to implement the requirements
14 under subsection (a), and appropriate findings from
15 the survey under subsection (c), with respect to each
16 military department;

17 “(2) an outline of the safety functions, prac-
18 tices, training, and reporting required under each
19 manned rotary wing aviation safety management
20 system established or updated under subsection (a);

21 “(3) an assessment of which military depart-
22 ment practices most closely align to the best prac-
23 ticable solutions identified pursuant to the findings
24 from the survey under subsection (c);

1 “(c) REPORT.—Not later than March 1, 2027, the
2 Secretary shall submit to the congressional defense com-
3 mittees a report containing a description of how each mili-
4 tary department has implemented the training require-
5 ments under subsection (a) and how the Secretary has en-
6 sured consistency with respect to such implementation
7 across the military departments.

8 **“§ 2660. Flight data monitoring improvements**

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

16 “(1) monitor operational patterns;

17 “(2) identify operational safety risks; and

18 “(3) support the development and implementa-
19 tion of effective risk controls for missions in the na-
20 tional airspace system.

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

23 “(1) seek to use—

1 “(A) existing data sets and tools to allow
2 for convenient and expeditious use of such data
3 at the lowest possible level; and

4 “(B) systems that allow for flight data to
5 be evaluated for accuracy on a recurrent basis;
6 and

7 “(2) conduct a review, and establish procedures
8 based on the results of such review, to ensure flight
9 data is evaluated for accuracy at an appropriate or-
10 ganizational level and on a recurrent basis.

11 “(c) IMPLEMENTATION UPDATES.—The Secretary
12 shall provide to the congressional defense committees up-
13 dates on—

14 “(1) the implementation of this section; and

15 “(2) the incorporation of the standards devel-
16 oped and data collected pursuant to this section into
17 the manned rotary wing aviation safety management
18 systems required under section 2658 of this title.

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

21 “(A) conduct a review across the military de-
22 partments to identify flight data that may be readily
23 shared with the Secretary of Transportation; and

24 “(B) implement a process to share safety data
25 with the Secretary of Transportation.

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

4 **“§ 2660a. Barometric altimeters**

5 “(a) MANUALS.—The Secretary of Defense shall
6 promptly update, and maintain, appropriate manuals of
7 the Department of Defense for manned rotary wing air-
8 craft, to provide clear guidance regarding—

9 “(1) the expected standard margin of error for
10 barometric altimeters for each class of such aircraft;
11 and

12 “(2) the total potential error resulting from ad-
13 ditional aircraft equipment with respect to an other-
14 wise airworthy barometric altimeter, including in-
15 creased position error associated with external stores
16 support system configurations.

17 “(b) INCORPORATION OF DATA.—In updating the
18 manuals under subsection (a), the Secretary shall incor-
19 porate observations derived from external data sources, in-
20 cluding historical flight data monitoring from external
21 sources, to better understand the total potential error of
22 barometric altimeters in various aircraft configurations.

23 “(c) TRAINING.—Not later than 30 days after the
24 date on which the Secretary updates the manuals under
25 subsection (a), the Secretary shall require appropriate re-

1 fresher training for the crew of any aircraft subject to
2 such an updated manual.

3 **“§ 2660b. Transponder maintenance**

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

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

17 “(1) Compliance across such military depart-
18 ment with respect to the required maintenance inter-
19 vals established under subsection (a).

20 “(2) The total number of instances,
21 disaggregated by military installation, in which an
22 ADS–B Out transponder was not serviced in accord-
23 ance with the applicable maintenance interval estab-
24 lished under subsection (a).

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

5 **“§ 2660c. Rule of construction**

6 “Nothing in this chapter shall be construed to—

7 “(1) vest in the Secretary of Defense any au-
8 thority of the Secretary of Transportation or the Ad-
9 ministrator of the Federal Aviation Administration
10 under title 49 or any other provision of law;

11 “(2) vest in the Secretary of Transportation or
12 the Administrator of the Federal Aviation Adminis-
13 tration any authority of the Secretary of Defense
14 under this title or any other provision of law;

15 “(3) limit the authority or discretion of the Sec-
16 retary of Transportation or the Administrator of the
17 Federal Aviation Administration to operate air traf-
18 fic control services to ensure the safe minimum sepa-
19 ration of aircraft in flight and the efficient use of
20 airspace;

21 “(4) apply a rule, guidance, plan, carriage re-
22 quirement, or memorandum established, modified, or
23 reissued pursuant to any other provision of law to
24 any Department of Defense aircraft except through

1 a process established in the memorandum of agree-
2 ment required by section 2656 of this title; or

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

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

8 Section 2654 of title 10, United States Code, is re-
9 pealed.

10 **SEC. 203. TREATMENT OF SUPERSEDED MEMORANDUM OF**
11 **AGREEMENT AND PROVISION OF LAW.**

12 Effective on the date on which the memorandum of
13 agreement required by section 2656 of title 10, United
14 States Code, as added by section 201 of this title, is sub-
15 mitted to the congressional defense committees, the Com-
16 mittee on Transportation and Infrastructure of the House
17 of Representatives, and the Committee on Commerce,
18 Science, and Transportation of the Senate, the following
19 shall have no further force or effect:

20 (1) Section 1046 of the John S. McCain Na-
21 tional Defense Authorization Act for Fiscal Year
22 2019 (Public Law 115–232; 49 U.S.C. 40101 note).

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

1 **SEC. 204. REPORT ON COMMUNICATIONS DEGRADATION.**

2 (a) REPORT.—Not later than one year after the date
3 of the enactment of this Act, the Secretary of Defense
4 shall submit to the congressional defense committees a re-
5 port containing—

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

10 (2) an identification of factors that may con-
11 tribute to such degradation; and

12 (3) an assessment of potential actions to reme-
13 diate such degradation.

14 (b) PLAN.—Not later than 90 days after the date on
15 which the Secretary submits to the congressional defense
16 committees a copy of the memorandum under section
17 2656 of title 10, United States Code, as added by section
18 201 of this title, the Secretary shall submit to the congres-
19 sional defense committees a plan to leverage major avi-
20 onics upgrades or depot-level maintenance associated with
21 the installation or provision of collision prevention tech-
22 nology to upgrade communications systems in Department
23 of Defense aircraft (particularly with respect to manned
24 rotary wing aircraft), for the purpose of improving the
25 clarity and reliability of transmissions to and from such
26 aircraft.

1 (c) DEFINITIONS.—In this section, the terms “colli-
2 sion prevention technology” and “Department of Defense
3 aircraft” have the meanings given such terms in section
4 2655 of title 10, United States Code, as added by section
5 201 of this title.

