



H.R. 7613 – ALERT Act

SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO TITLE II

SECTION BY SECTION

Title II - Department of Defense Matters – Permanently codifies in law (via a new Chapter in Title 10) the following critical safety requirements for military aircraft:

Sec. 2655 - Definitions – 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 prevention technologies by DOD aircraft operating in the National Airspace System. 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. 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. 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. It further requires a report to Congress 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. The 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 FAA and other flight safety stakeholders to improve transparency.

The Department 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 2657. **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. 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 - Rule of construction – This section protects inherent DOD and DOT statutory authorities.

Sec. 202 - Repeal of prior legislation 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 (P.L. 119-60).

Sec. 203 - Treatment of superseded memorandum of agreement and provision of law – This section requires that effective the date on which a memorandum of agreement between the Secretary of Defense and the Secretary of Transportation is submitted to the appropriate congressional committees, section 1046 of the John S. McCain National Defense Authorization Act (P.L. 115-232) and the memorandum of agreement between the Department of Defense and the Federal Aviation Administration entered into on May 10, 2024, shall have no further force or effect.

Sec. 204 - Report on communications degradation – This section requires a report on communications degradation and a 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.**