



●●● ISSUE SPOTLIGHT: DEPARTMENT OF DEFENSE OPERATIONS & NATIONAL DEFENSE

The Transportation and Infrastructure Committee understands the importance of ensuring that the Armed Forces and other government operators always have the same access to air traffic services as they have now. Claims that national security will be harmed under the legislation's reforms are false.

THE 21ST CENTURY AIRR ACT (H.R. 2997):

- Clarifies that the Department of Defense will continue to provide air traffic control (ATC) services within United States airspace, in the same manner as it does today, after the date of transfer. [\(Sec. 90302, p. 57\)](#)
- Provides the Department of Defense with a seat on the Advisory Board of the Corporation. [\(Sec. 90310, p. 76\)](#)
- Requires the Secretary of Transportation to establish processes to ensure that the Corporation supports all United States government flight activities currently supported by the FAA after the date of transfer. [\(Sec. 90903, p. 121\)](#)
- Exempts the Department of Defense and other government agencies from paying users fees or charges for ATC. [\(Sec. 90313\(d\)\(6\), p. 83\)](#)
- Requires the Secretary of Transportation to consult the Secretary of Defense when determining the impacts on military aviation operations of a proposed contract tower closure. [\(Sec. 90703, p. 115\)](#)
- Includes a chapter dedicated to ensuring the continuity of air traffic services to Department of Defense and other public agencies. [\(Ch. 909, p. 120\)](#)
 - » Confirms the Department of Defense permitted to provide air traffic services within the United States and international airspace designated to the United States. [\(Sec. 90901, p. 121\)](#)

- » Exempts aircraft owned or operated by the Armed Forces, as well as other public aircraft from user fees. (Sec. 90902, p. 121)
- » Preserves the Armed Forces' emergency powers. (Sec. 90904, p. 121)
- » Ensures adherence to international agreements related to operations of Armed Forces. (Sec. 90905, p. 122)
- » Retains and clarifies the President's authority to temporarily transfer ATC to the Secretary of Defense in times of war. (Sec. 90906, p. 122; Sec. 225, p. 163)
- » Requires agreements between the new not-for-profit corporation, Department of Transportation, and all other federal agencies, including DOD, supported by FAA's current operation of ATC services to ensure cooperation, facilitate the safe provision of ATC services, and address coordination and communication of day-to-day operations after the date of transfer. (Sec. 90907, p. 122)
- Requires the new ATC entity to complete a biannual report on the state of air traffic services that includes an explanation of the cooperation and interaction between the corporation, DOD, DOT, FAA, and other federal agencies. (Sec. 91502, p. 154)
- Requires the Secretary of Transportation to consult the Secretary of Defense when deploying systems to mitigate threats posed by errant or hostile unmanned aircraft systems. (Sec. 441, p. 285)