

National Transportation Safety Board

Office of the Chair

Washington, DC 20594

December 10, 2025



Chairman Roger F. Wicker
228 Russell Senate Office Building
Washington, DC 20510

Ranking Member Jack Reed
228 Russell Senate Office Building
Washington, DC 20510

Chairman Mike Rogers
2216 Rayburn House Office Building
Washington, DC 20515

Ranking Member Adam Smith
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Wicker, Ranking Member Reed, Chairman Rogers, and Ranking Member Smith:

I write to express the National Transportation Safety Board's (NTSB) strong opposition to section 373 (Manned Rotary Wing Aircraft Safety) of the National Defense Authorization Act for Fiscal Year 2026. This section, to the lay reader, is drafted to seemingly enhance safety; it does not in any way enhance safety. In fact, it significantly reduces the safety of the airspace around Ronald Reagan Washington National Airport (DCA) by allowing the secretary of any military department to operate training missions in the DCA airspace in a manner that already existed prior to the midair collision on January 29th.

In other words, this is a major step backwards from where we are today given the changes made - rightfully - by the Secretary of Transportation following issuance of NTSB's urgent safety recommendations. We believe this provision effectively gives military aircraft operating training missions unfettered access to DC airspace.

As you are aware, the NTSB is investigating the January 29, 2025, midair collision between a PSA Airlines CRJ700 regional jetliner and a U.S. Army Sikorsky UH-60 Black Hawk helicopter over the Potomac River near DCA. The two pilots, two flight attendants, and 60 passengers aboard the airplane, operated as American Airlines Flight 5342, were killed, along with the helicopter's three crew members. Part of our focus in that investigation is on the overall limitations and gaps in the traffic awareness, alerting, and collision-avoidance technologies such as automatic dependent surveillance - broadcast (ADS-B) available to both aircraft. Following the accident, the Federal Aviation Administration (FAA) and Department of Defense (DOD) entered into an agreement to require military aircraft within the DC airspace to broadcast their position via ADS-B Out. The NTSB has, for decades, advocated for requirements for ADS-B In and Out and its substantial contribution to safety, especially near airports.

Section 373(a) would roll back those broadcast requirements to the very conditions that existed in the DC airspace at the time of the accident, by allowing military aircraft to operate without ADS-B. The provision states that such aircraft must actively provide warning in "a manner compatible with the traffic alert and collision avoidance system" (TCAS) of commercial aircraft; however, TCAS is inhibited by design when aircraft are below 900 feet above ground level during descent, in order to avoid nuisance alerts to crewmembers. The mid-air collision at DCA occurred at about 278 feet above mean sea level while flight 5342 was on descent. In fact, a TCAS alert was provided to the flight 5342 crew nearly 20 seconds before the collision occurred - such warning system had no impact on the tragedy that unfolded. Simply stated, a requirement limited to TCAS-compatible warning systems would not ensure adequate safety for any aircraft in the DC airspace.

Regardless, subsection (b) of section 373 provides Department of War (DOW), from the Secretary to a general or flag officer within any military department, the broad authority to waive this minimal requirement upon a determination that such a waiver is in the national interest and if a risk assessment has been completed by the DOW. We have serious concerns that such a risk assessment would not adequately evaluate the safety of the airspace, as it is clear from our investigation thus far, that the Army and potentially other military departments within the DOW do not know understand the complexities of the DC airspace, how to conduct a thorough safety risk assessment, or implement appropriate mitigations to ensure safety for all. Concurrence by the Secretary of Transportation does not alleviate these concerns. In fact, the language seems to allow military departments to do what they want in the DC airspace, with very little input from the Secretary and none from the FAA, aviation industry, and others impacted. Congress must be notified of any waiver in effect for more than 30 days; however, simple notification does not provide any assurance that safety is adequately considered and prioritized.

This provision is an unacceptable risk to the flying public, to commercial and military aircraft crews, and to residents in the region. It's also an unthinkable dismissal of our investigation and of 67 families who lost loved ones in a tragedy that was entirely preventable. I urge you to consider the consequences of this provision, and I stand ready to work with you to address these urgent safety concerns.

Sincerely,



Jennifer Homendy
Chair