

119TH CONGRESS
2D SESSION

S. _____

To amend title 49, United States Code, to make improvements to operations
at Ronald Reagan Washington National Airport.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself and Mr. WARNER) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To amend title 49, United States Code, to make improve-
ments to operations at Ronald Reagan Washington Na-
tional Airport.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DCA Air Safety Act”.

5 **SEC. 2. IMPROVEMENTS TO OPERATIONS AT RONALD**
6 **REAGAN WASHINGTON NATIONAL AIRPORT.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Since 2000, Congress has voted to add 64
9 daily flights at Ronald Reagan Washington National

1 Airport (in this subsection referred to as “DCA”)
2 despite capacity constraints.

3 (2) Washington Dulles International Airport
4 (IAD) currently handles under 30 million passengers
5 annually but has the designed capacity to handle 55
6 million passengers annually.

7 (3) On the night of the midair collision between
8 American Airlines Flight 5342 and a United States
9 Army H-60 Black Hawk helicopter on January 29,
10 2025, at DCA, one air traffic controller, during an
11 18-minute period, managed 29 separate aircraft, in-
12 cluding a 5-minute span with 6 takeoffs or landings.

13 (b) IMPROVEMENTS.—Section 41718 of title 49,
14 United States Code, is amended by adding at the end the
15 following new subsection:

16 “(j) IMPROVEMENTS TO OPERATIONS.—

17 “(1) REDUCTION IN HOURLY OPERATIONS.—

18 “(A) ASSESSMENT.—The Administrator
19 shall conduct an assessment of the Airport Ar-
20 rival Rate at DCA. In conducting such assess-
21 ment, the Administrator shall give special con-
22 sideration to the airspace complexity, airfield
23 limitations, mixed fleet operations, and traffic
24 volume at DCA.

1 “(B) REDUCTION.—Not later than 90 days
2 after the date of enactment of this subsection,
3 the Administrator shall reduce the Airport Ar-
4 rival Rate at DCA to no more than 28 aircraft.

5 “(2) INTERVAL CAPS.—Not later than 180 days
6 after the date of enactment of this subsection, the
7 Administrator shall convert the Airport Arrival Rate
8 at DCA (as reduced under paragraph (1)(B)) into
9 binding 30-minute interval caps that—

10 “(A) evenly distribute permitted arrivals
11 and departures across each hour; and

12 “(B) prohibit clustering or banking within
13 any sub-hour.

14 “(3) ELIMINATION OF 30 SLOT EXEMPTIONS.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law and subject to the suc-
17 ceeding provisions of this paragraph, the Ad-
18 ministrator shall, in a manner determined ap-
19 propriate by the Administrator, permanently
20 eliminate 30 slot exemptions under this chapter
21 at DCA (determined as of the date of enact-
22 ment of this subsection).

23 “(B) MINIMUM NUMBER OF BEYOND PE-
24 RIMETER SLOT EXEMPTIONS.—At least 26 of
25 the slot exemptions eliminated under subpara-

1 graph (A) shall be beyond perimeter (as de-
2 scribed in section 49109) slot exemptions.

3 “(C) TIMING.—

4 “(i) PUBLIC NOTICE OF PROPOSED
5 LIST.—Not later than 180 days after the
6 date of enactment of this subsection, the
7 Administrator shall make publicly available
8 a proposed list of the 30 slot exemptions to
9 be eliminated pursuant to this paragraph.

10 “(ii) COMMENT PERIOD.—The Admin-
11 istrator shall provide for a 60-day public
12 comment period regarding such list begin-
13 ning on the date on which such list is
14 made publicly available under clause (i).

15 “(iii) FINALIZED LIST.—Not later
16 than 120 days after the end of the public
17 comment period under clause (ii), the Ad-
18 ministrator shall make publicly available
19 the final list of the 30 slot exemptions to
20 be eliminated pursuant to this paragraph.

21 “(iv) PHASED-IN IMPLEMENTATION.—

22 “(I) IN GENERAL.—Subject to
23 subclauses (II) and (III), the Admin-
24 istrator shall provide for a 5-year
25 phase-in of the required elimination of

1 the slot exemptions under this para-
2 graph, with 6 slot exemptions being
3 eliminated in each year during the pe-
4 riod of 2028 through 2032.

5 “(II) AUTHORITY TO PROVIDE
6 FOR A 1-YEAR DELAY.—

7 “(aa) IN GENERAL.—Sub-
8 ject to item (bb), if the Adminis-
9 trator, during any year of the
10 first 4 years of the 5-year phase-
11 in period under subclause (I), de-
12 termines that eliminating 1 or
13 more of 6 slot exemptions re-
14 quired to be eliminated in such
15 year would yield no material and
16 measurable safety improvement
17 to safety at DCA, the Secretary
18 may provide for up to a one-year
19 delay of the elimination of such
20 slot exemptions. In no case may
21 the delay of the elimination of a
22 slot exemption for a year under
23 the preceding sentence be for
24 longer than a 1-year period.

1 “(bb) NOTICE OF DELAY.—

2 Prior to implementing a delay
3 under item (aa), the Adminis-
4 trator shall—

5 “(AA) provide notice to
6 the public and the Senators
7 and Members of the House
8 of Representatives who rep-
9 resent States and districts
10 that fall within the Wash-
11 ington D.C. Metropolitan
12 Special Flight Rules Area
13 (as described by the Federal
14 Aviation Administration) of
15 the intent to provide for
16 such delay; and

17 “(BB) provide for a 60-
18 day public comment period
19 regarding such delay.

20 “(III) FINAL IMPLEMENTA-
21 TION.—The Administrator shall en-
22 sure that the elimination of the 30
23 slot exemptions required under this
24 paragraph is fully implemented by not
25 later than December 31, 2032.

1 “(D) CONSULTATION.—In carrying out
2 this paragraph, the Administrator shall consult
3 with the Secretary of Transportation and the
4 Metropolitan Washington Airports Authority.

5 “(E) REVIEW.—Notwithstanding any other
6 provision of law, there shall be no judicial re-
7 view of the decision of the Administrator with
8 respect to the elimination of slot exemptions, or
9 any delay in the elimination of slot exemptions,
10 pursuant to this paragraph.

11 “(4) PERMANENT COMMISSION.—

12 “(A) ESTABLISHMENT.—There is estab-
13 lished the Ronald Reagan Washington National
14 Airport Slot Exemption Evaluation Commission
15 (in this section referred to as the ‘Commis-
16 sion’).

17 “(B) MEMBERSHIP.—The Commission
18 shall be composed of the following members:

19 “(i) The Chairperson of the Metro-
20 politan Washington Airports Authority, or
21 their designee.

22 “(ii) The Administrator, or their des-
23 ignee.

24 “(iii) The Secretary of Defense, or
25 their designee.

1 “(iv) The Governor of the Common-
2 wealth of Virginia, or their designee.

3 “(v) The Governor of the State of
4 Maryland, or their designee.

5 “(vi) The Mayor of the District of Co-
6 lumbia, or their designee.

7 “(C) DUTIES.—

8 “(i) IN GENERAL.—The duties of the
9 Commission are as follows:

10 “(I) STUDY.—The Commission
11 shall conduct an ongoing study of the
12 conditions at DCA, including the im-
13 pact on safety and operations of fu-
14 ture changes to the amount of slot ex-
15 emptions at DCA.

16 “(II) REPORTS.—Not later than
17 December 31, 2028, and not less fre-
18 quently than once every 2 years there-
19 after, the Commission shall submit to
20 the Committee on Commerce, Science,
21 and Transportation of the Senate and
22 the Committee on Transportation and
23 Infrastructure of the House of Rep-
24 resentatives a report on the ongoing
25 study under subparagraph (C)(i)(I),

1 together with recommendations for
2 such legislation and administrative ac-
3 tion as the Commission determines
4 appropriate.

5 “(ii) EXPERTISE.—In carrying out its
6 duties under clause (i), the Commission
7 may solicit information and input from
8 third parties, including recognized aviation
9 safety experts, academics, and other air-
10 port authorities legally established by State
11 or local governments or pursuant to a
12 multi-State compact.

13 “(5) DEFINITIONS.—In this subsection:

14 “(A) ADMINISTRATOR.—The term ‘Admin-
15 istrator’ means the Administrator of the Fed-
16 eral Aviation Administration.

17 “(B) AIRPORT ARRIVAL RATE.—The term
18 ‘Airport Arrival Rate’ means a dynamic param-
19 eter specifying the number of arrival aircraft
20 that an airport, in conjunction with terminal
21 airspace, can accept under specific conditions
22 throughout any consecutive 60-minute period.

23 “(C) DCA.—The term ‘DCA’ means Ron-
24 ald Reagan Washington National Airport.”.