

**U.S. Senator Maria Cantwell**

**Commerce Aviation Subcommittee Hearing on NTSB Preliminary Report on Potomac Collision**

**March 27, 2025**

**Sen. Cantwell Remarks**

[\[VIDEO\]](#)

**Sen. Cantwell:** Thank you. Chairman Moran, thank you, Ranking Member Duckworth, thank you full Committee Chairman Cruz.

We're here today to examine one of the most devastating accidents in US history. With 67 lives lost on January 29th, we have a responsibility to not only understand what happened, but to fix it so that it never happens again.

I want to recognize the families who are here with us today and express my condolences, but also my appreciation for the diligence that you now are demonstrating by being here today. Too much of aviation safety in the last several years has been left to the advocacies of families. We shouldn't have to rely on you. You should be able to mourn your losses. But we need you to continue to advocate for these important policies.

I welcome NTSB Chair Jennifer Homendy, FAA Acting Administrator Chris Rocheleau, and Brigadier General Matt Braman, who is the Director of Army Aviation. You're here to provide us an update on this collision and why a Black Hawk helicopter on a training flight collided with this American Airlines flight.

As we seek answers, the NTSB's preliminary report has alarming facts. First, in the three-year period leading up to the collision, commercial airplane and helicopters got within 400 feet of each other on 15,214 occasions, within 200 feet on 85 occasions. FAA's air traffic managers approve helicopter route charts annually, so if the data raised questions about the safety of these routes, the ball clearly falls into the FAA's court as to whether to act on this data or make changes where the helicopters can fly in DCA.

A helicopter at 200 feet would only have 75 vertical feet separation from an airplane approaching on Runway 33. These findings reveal a very systemic issue that demands answers from our witnesses today.

Acting Administrator Rocheleau, I want to know: Why did the FAA not act on 15,000 reports of dangerous proximity? How were these helicopter routes allowed to remain when alarm bells were literally going off in the towers?

This lack of oversight must change. The Army Black Hawk helicopter was not transmitting what is known as ADS-B Out signal, although we don't know why. What we do know is that the military told our colleague, House Delegate Eleanor Holmes Norton in 2023 that the military operates 100% of its flights in the National Capital Region without this safety technology. 100%

of the time. On March 7th, I wrote Secretary Hegseth about this issue for a response, asking to respond by March 21<sup>st</sup> I've still heard nothing back.

I do not like this silence. It's deafening.

General Braman, I have questions about these policies, especially given that the FAA's 2019 rule stating that the deactivation of the ADS-B Out technology, pursuant to an exemption, was not to be routine. Well, the Holmes letter says that not only was it far from routine, 100% of the time operated with this exemption.

Acting Administrator Rocheleau, your agency gave government airspace users a loophole. What we want to know now is why this was allowed to continue if we had this data and information, and are there any other agencies that are acting with[out] ADS-B Out that we haven't addressed yet.

The FAA rule needs to change. Chair Homendy, I will be asking you about ADS-B requirements. In 2010, the FAA said that it was premature to require this kind of equipment for operators. Yet, at the same time the FAA made that decision, just two years earlier, you [NTSB] wrote a letter saying [you] disagree with them, but saying that the conclusion, stating "the equipage of aircraft with ADS-B In capability will provide for an immediate and substantial contribution to safety, especially during operations in and around airports."

Why did we not listen? 15 years later, commercial aircraft are still not operating with this (ADS-B In). If American Airlines regional jet had been equipped with this ADS-B In, it would have been able to receive the Black Hawk's transmission, giving it better intelligence on positioning.

Tim Lilley, the father of the pilot from the commercial aircraft who, he himself is also a Black Hawk helicopter pilot, and his wife Sherri, spent many years working at Gulfstream. They know a thing or two about aviation. They gave me a list of actions they hope Congress can take to improve safety.

Mr. Chairman, we all need to work together on this critical safety legislation, legislation to close the ADS-B Out loophole, require more commercial jets to have ADS-B In capacity when operating near our nation's busiest airports, and have stronger information sharing between our military and civilian authorities.

This isn't just about policy. It is about saving lives.

To my colleagues, I hope that we can work together in a bipartisan fashion, since the FAA Reauthorization Act did require NextGen completion by 2025, we also directed the FAA to develop a plan for accelerating airline equipage with NextGen technologies, and authorized \$17 billion through 2028 to modernize and replace the FAA ATC systems and infrastructure.

So, I do want to say, I do not believe in cutting the services, the benefits, or the training of our air traffic controllers. We need them, and we need them to do their job. I supported Senator Cruz's efforts to continue to advance more training centers to get more air traffic controllers

trained. But now, we need to learn this painful lesson. We need to make sure that we are preventing future accidents from happening. We must be unwavering in this effort.

Thank you, Mr. Chairman, and I yield back.

## Q&A

### Round 1

[\[VIDEO\]](#)

**Sen. Cantwell:** Thank you, Mr. Chairman, and I too have asked for the same memo. So, I want to follow on, in the same line as Senator Cruz. I also want to associate myself with the information you're requesting on spectrum interference. This is one of the reasons why I think spectrum and spectrum fights are so important because I think the agencies with adjacency and issues-- we can't leave this up to the flying public.

But I want to go back because Brigadier General, you mentioned in your testimony, we now have the additive dialogue that we just heard, but you said it's not allowed. You're saying it's not allowed, ADS-B Out was not allowed. That's what you said earlier in your testimony. In addition to the Holmes letter, you basically stated that using ADS-B Out, it's not like it was sometimes [used], it was not allowed.

**Brig. Gen. Braman:** Army policy is ADS-B Out is not to be used for routine use.

**Sen. Cantwell:** Okay, so, Acting Administrator, did you know this? Did the FAA know this? Did the FAA know and understand and absorb this? Did you know that you were letting a flight to go within 75 feet of each other, and there was no signaling message that we have already identified as a safety measure, is something that we have had as a requirement?

**Rocheleau:** So I understand the FAA was aware of this. We have an existing memorandum of agreement with the Department of Defense.

**Sen. Cantwell:** Did you know it was 100%, as the Eleanor Holmes Norton [letter], and as the Brigadier General was pretty clear this morning, we don't allow it. Even to the point of not answering Senator Cruz when they're going to change it because I'm pretty sure their attitude is going to be: "We don't allow it."

He's going to say he would rather have a route somewhere where he can fly without it. That's what he's going to say. And so, that's a that's a separate issue over here.

Our job, though, is the FAA oversight, and you can't give exemptions to things that you don't understand. And so he, in their application, kind of made it sound like, "Well, it's not going to be that routine." But he's very clear! They're never turning it on if they don't have to. They're never turning it on.

So what I don't understand is why the FAA didn't understand that. Why you would allow this design. This is the wrong design. Whoever said you could fly in this airspace this close together without a safety feature that was already being required by the FAA, and then giving them an exemption, makes no sense. So why did you allow it to happen?

**Rocheleau:** So I can't speak to why the previous administration may have allowed for that memorandum of agreement, which is why we, effective today, will require in any DCA Class B airspace ADS-B Out to be turned on, except in very limited circumstances.

**Sen. Cantwell:** What are those other limited circumstances? So the other agencies? Is there any other agency that's doing this?

**Rocheleau:** So that we have 46 different helicopter operators within the National Capital Region. But again, DCA Class B airspace will now require ADS-B on to be out.

**Sen. Cantwell:** What other agencies are operating this way?

**Rocheleau:** So we have certainly a number of military units. We have local law enforcement. We certainly have the Department of Justice and FBI. We have a number of different agencies that fly-- the National Park Police. And those are the entities that we're working with closely now to make sure, first and foremost, they understand the new restrictions that we have in the airspace.

**Sen. Cantwell:** Do they have exemptions?

**Rocheleau:** Some of them do.

**Sen. Cantwell:** Are you concerned about this?

**Rocheleau:** Absolutely, which is why we immediately put in place the requirement to have ADS-B Out on.

**Sen. Cantwell:** And so you think they're operating that way?

**Rocheleau:** Yes, ma'am.

**Sen. Cantwell:** You think that Homeland Security is operating that way?

**Rocheleau:** Effective today. They will be operating with ADS-B --

**Sen. Cantwell:** Effective today?

**Rocheleau:** Yes, ma'am.

**Sen. Cantwell:** So for the last month, you've known, as I am going to submit for the record a letter from the Department of Homeland Security that basically says under the Federal Aviation [Administration] waiver, all US Custom and Border Protection Air and Marine Operations in the Capital Region basically have this exemption as well.

**Rocheleau:** So they haven't had—

**Sen. Cantwell:** So I want to understand, if people were still flying in this airspace, we all fly in and out of this airspace, do we now have to worry about other operators in this airspace that may be doing the same thing as happened with the military? And now you're telling me you're going to take action today.

**Rocheleau:** I should clarify immediately after the accident, we put the restrictions in place so that no mixed traffic could occur, no helicopters and fixed wing in the same air space. Today, we're requiring the ADS-B Out to be on. So previous to this day, the fixed-wing, as well as helicopters, were not allowed in the airspace. So we cleared the complexity of the airspace.

**Sen. Cantwell:** Now today, you're going to say to Homeland Security, you have to have ADS-B, basically the automatic surveillance broadcast system, has to be on. You're going to make that [happen] today.

**Rocheleau:** That's correct. For any of the Class B airspace that you can see in the in the graphic, in that red airspace, that's required.

**Sen. Cantwell:** Acting Administrator, you're not building faith in this system of oversight of the FAA if you're telling me that we now have a bunch of other operators in this airspace, that you now said after the accident were prohibited, but now you're going to turn it back on if they meet this requirement. And we have letters from them thinking that they're exempted.

I want to see this rule. This would have been a great debate with Mr. Bradbury before the committee because the American people -- these poor families have lost loved ones! This is not their day job. It is your day job. It is the day job of the FAA not to allow these exemptions to become prolific, and everybody use them, and then us have to sit here and figure out how to do our oversight job of you to make sure that these details are exposed, when we can't even get a memo from some of these agencies.

So Mr. Chairman, I know my time has expired, but I will come for a second round with the witnesses because I think it's clear. The NTSB has been very clear on the requirements for ADS-B In, and in this case, if they would have listened to them, it's \$20,000 to equip one plane. You could probably equip the whole fleet of aviation for \$100 million. I guarantee you their lives, the family lives, are worth that.

Thank you, Mr. Chairman.

## Quick Q&A with Administrator Rocheleau

[\[VIDEO\]](#)

**Sen. Cantwell:** Mr. Chairman, if I could just for the record, because I see we have several colleagues—

**Sen. Moran:** Senator Cantwell, you're recognized.

**Sen. Cantwell:** Thank you, Mr. Chairman. Just to clarify on your point, Acting Administrator, we still have a rule that says they have an exemption, all sensitive. So I know you're making a declaration today, but I don't think that supersedes the rule.

Now maybe President Trump is going to call all these agencies and tell them to stand down. But legally, whatever the FAA is doing today doesn't take precedent over that rule. So when I come back for a second round —

**Sen. Duckworth:** I believe the FAA has control over that airspace, and they can say—

**Sen. Cantwell:** They can definitely shut it down, but as it relates to the rule, his decision just to say that you now have this requirement that a rule gave them an exemption to.

**Sen. Duckworth:** I think you can issue an emergency directive. Is that correct?

**Rocheleau:** So the agreement we have in place with the helicopter operations that fly without ADS-B Out is an actual memorandum of agreement. It is not a formal rule. So it's an agreement we have with the Department of Defense and the other helicopter operators in the DC area.

**Sen. Cantwell:** And we can get a copy of that? The MOU?

**Rocheleau:** Yes.

**Sen. Cantwell:** Thank you.

## Q&A

### Round 2

[\[VIDEO\]](#)

**Sen. Cantwell:** Thank you, Madam Chair. I wanted to just go back to this process and how it is set up in the FAA, and how we rectify these issues in the future, but Chairwoman Homendy, I think you're saying in your earlier testimony, that even if the Black Hawk helicopter had hugged the shoreline as originally described, that even that route that's outlined is insufficient? Your investigation showed that even that is insufficient?

**Homendy:** Intolerable risk to aviation safety.

**Sen. Cantwell:** Okay, intolerable risk to aviation safety. So Acting Administrator, how did we get to a point where we have a route that's allowed and mapped, that the military is flying, that's interfacing with commercial aviation that, as by the very definition, the NTSB is saying even if they flew the correct path, is an intolerable risk.

I think you're saying that because the difference in separation was just too small, too small.

**Homendy:** There's virtually no margin of error.

**Sen. Cantwell:** No margin of error. How are you defining margin of error? Just out of—

**Homendy:** I mean, just looking at this, and I think you have the printout in front of you, hopefully, or staff has it, that we provided. This isn't for the public. This is in our preliminary report, and for those behind me, but the chart, when we mapped the glide slope, and we looked at the helicopter route, which has no lateral boundaries, it's 75 feet Max, if you're hugging the shoreline.

The collision actually occurred to the right and slightly above the dash line, right here. And commercial, and just so you know, pilots for landing on Runway 33 don't have to be on this dashed line. They can be above or below, but it occurred about to the right. They were not on the route, they were slightly over.

**Sen. Cantwell:** You're saying under this route, they could have been below or above this line, but you're now saying that 75 feet is not enough separation.

**Homendy:** 75 feet is the max. Because there's no lateral boundaries on this route, it goes down as you come over. And so helicopters are not always on that eastern shoreline, which is where the 75 feet is marked. And they weren't in this situation. They were actually to the right of this gray shaded area, which indicates the route that has no boundaries.

**Sen. Cantwell:** But I thought your analysis, even if they were on that route, it's still an intolerable risk because there's not enough separation.



**Omendy:** Correct. 75 feet is very small

**Sen. Cantwell:** Right, so how did we get to this point is my question. How did we get to this point? It's like it's a series of errors here, a series of errors. And so I'm just trying to understand, Acting Administrator, what office is responsible for this? What office is responsible for the exemption to the rule, which just made it worse? But what office said this is a safe pathway and agreement, when the NTSB is telling us today, it never really was safe? It wasn't. It was an intolerable risk.

**Rocheleau:** And certainly I understand today, and even after the preliminary report that was the assessment. I can tell you that -- and I'm sure we'll learn more over time as to how the airspace was redesigned, I know that as a result of previous incidents that we've talked about earlier today, there were changes over time with respect to that airspace, but it's one of the reasons why we immediately terminated those types of operations after the event.

So Route 4, Route 6, no mixed traffic into the airspace, those are the things that we put in place immediately. I think when you talk about how did we get there, I think we're going to learn more of that through the investigation. Again, I can confidently say, without knowing specifically what's in the investigation, that over time, those routes, that airspace, was designed, which is one of the reasons why we've gone back to the hot spots now throughout the nation, to understand the circumstances by which we move traffic safely and efficiently.

**Sen. Cantwell:** What office at the FAA has oversight of this issue as it relates to this area?

**Rocheleau:** So we have so the Air Traffic Organization builds out the airspace, and there's an Aviation Safety office that reports directly to me that oversees the Air Traffic Organization.

**Sen. Cantwell:** And did that a did that office ever bring up any of this data or information or have input from anybody that said, "We don't like this scenario. There's too many close calls, too much interface, too complex, too hard to deal with."

**Rocheleau:** On this specific route, I'm not aware of that. I know that when we are presented with those, and we have been, and that's how airspace changes, when we're presented with those circumstances and situations near midair collisions, we investigate them and we put mitigations in place.

**Sen. Cantwell:** Well, I'm questioning whether anybody was investigating. I mean, that's the issue. You had an alarm going off once a month. You had the data. Maybe somebody-- you're saying, maybe people weren't looking at it. And while I get that AI is this very new and interesting technology, it's no substitute for the FAA having an oversight over this level of traffic.

And so as my colleague, the Chair of this hearing, mentioned that now we want to know do we have other problems in other air spaces. I mean, we're very focused on DCA, but now we want to know, we have big military complexes, 10 military installations in the State of Washington. I'm sure Chicago has a lot. We want to know, do we have to worry about this somewhere else

because the FAA isn't looking and doesn't have an or an organization that is overseeing this information?

**Rocheleau:** I agree 100% with you. This is of utmost concern to me, not just in the DC Area, which, again, we've put measures in place to reduce the risk and to make the airspace less complex. This is one of the reasons why we have a task force working on what we're calling 'hot spots,' to ensure that we're looking at airspace design, wherever we have mixed traffic in 10 locations, I believe it's a total of 20-21 airports specifically, to see where similar traffic like this needs mitigation.

**Sen. Cantwell:** So you say this office reports directly to you and you say they oversee these areas and the interface.

**Rocheleau:** So let me be clear about that, the office that oversees air traffic reports directly to me, the task force, the group of people that are looking at these hot spots specifically, are multiple parts of the agency: air traffic, aviation safety, airports. So we have a number of people part of that effort to make sure that we're looking at the airspace design, and if we find risk, we react.

**Sen. Cantwell:** Well, there was risk, for sure, there was risk. It was being sounded in an alarm, and it wasn't being addressed. So now we have to figure out why that wasn't being addressed. There's a lot of information here that says very high risk, very high risk. So why was that ignored? Or was no one looking at it? So we need an answer.

I think this committee did very good work, in my opinion, after the [Space Shuttle] Columbia Accident, and set up more safety offices to make sure that we never missed something like that again. And I feel like that's the issue we're asking you today. And so we need to understand what you think is in place, and why, if it was in place, did we miss this?

Because little pieces of the responsibility was delegated to various parts of the organization, and nobody had a holistic approach, or data, lots of data, and it's being ignored.

But this is clear that this was an unacceptable design. It's just unacceptable. And I don't know how we got there.

I do want to ask you, are you now supportive of ADS-B In as a requirement? Making sure that carriers like this regional jet, again, I mentioned earlier, it's \$20,000 or so per plane, why can't we just say we're going to do this?

**Rocheleau:** I did understand from the Chair earlier that it's been an ongoing recommendation. I have not personally looked into that in the last two months, as to what the expectations are on ADS-B In. I know that equipage on aircraft throughout the system can be challenging, but I certainly will take that back and look into it to figure out what, specifically, ADS-B In, what would be required to mandate that.

Certainly, if Congress passes a law, we would as we as we did with –

**Sen. Cantwell:** We already did, by the way, we already did. It was called the Reauthorization Bill, and as I said in my opening statement, we basically authorized spending for this through the equipage program. And you can discuss how this actually gets deployed, but I'm pretty sure the consumer ends up paying for it regardless in some way.

And so the point is NTSB has been recommending this. Is that right, Chairwoman?

**Homendy:** That's correct.

**Sen. Cantwell:** You've recommended this since 2008?

**Homendy:** And I have to look, but I think we actually have recommendations on ADS-B In that precedes that. Those were comments, and if I may, may I add our 2008 comments to the hearing record. Thank you.

**Sen. Duckworth:** Without objection.

**Sen. Cantwell:** So I think, Acting Administrator, I think we need to hear from the Department of Transportation and the FAA, that they understand that these recommendations have been on the table, and you need to respond to them.

We don't want to keep doing this, which is having one organization who has to investigate all the accidents, deal with all the families, deal with the grief and emotion, and then have an FAA that gets too cozy with industry and gives them exemptions. We don't want that.

And so what we want is you to listen to the NTSB. And I know this is historic. I'm not blaming any administration. It's historic. It's been there, since the beginning of the big crashes that we've had way before the MAX, where the FAA makes safety recommendations and then they're ignored for like, oh, I don't know, sometimes a decade. And then people finally say, "Oh, okay."

But we owe it to these families. We owe it to them now. It's not that hard to get this done. So I hope you will take this back to the Secretary, have an internal discussion and basically agree it's time to get this done.

**Homendy:** And if I may add, and we're going to look at this as part of our investigation to see how it could have factored in, but the CRJ, had ADS-B Out, it did not have ADS-B In. And so we are going to look at what that information could have provided to that flight crew and how it could have made a difference. We've seen that in other investigations, which is why we have these recommendations.

**Sen. Cantwell:** Thank you, Madam Chair.