

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7613
OFFERED BY MS. HOYLE OF OREGON**

Page 2, strike lines 3 through 11 and insert the following paragraphs (and redesignate subsequent paragraphs accordingly):

1 (1) ADS-B IN.—The term “ADS-B In” means
2 onboard avionics equipment that receives and proc-
3 esses Automatic Dependent Surveillance-Broadcast
4 transmissions that are broadcast in accordance with
5 sections 91.225 and 91.227 of title 14, Code of Fed-
6 eral Regulations (or any successor regulations), and
7 other aviation advisory information from ground sta-
8 tions, that provides the aircraft with awareness to
9 the location of other aircraft and traffic advisories.

10 (2) ADS-B OUT.—The term “ADS-B Out”—

11 (A) has the meaning given such term in
12 section 91.227 of title 14, Code of Federal Reg-
13 ulations; and

14 (B) broadcasts information from the air-
15 craft in accordance with sections 91.225 and
16 91.227 of such title 14 (or any successor regu-
17 lations).

Page 3, line 6, strike “has ADS–B In” and insert “is required to be equipped with and operating ADS–B In equipment that provides the aircraft with awareness to the location of other aircraft and traffic advisories, unless otherwise authorized by air traffic control”.

Strike section 104 and insert the following:

1 **SEC. 104. ADS–B IN REQUIREMENTS.**

2 (a) REQUIREMENT FOR ADS–B IN OPERATION.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of enactment of this section, the Adminis-
5 trator shall issue a final rule in accordance with sec-
6 tion 553 of title 5, United States Code, to require
7 any person operating an aircraft (other than an un-
8 manned aircraft, as defined in section 44801 of title
9 49, United States Code) required to be equipped
10 with ADS–B Out in accordance with section 91.225
11 of title 14, Code of Federal Regulations (or any suc-
12 cessor regulation), to be equipped with and oper-
13 ating with ADS–B In equipment that provides the
14 aircraft with awareness to the location of other air-
15 craft and traffic advisories, unless otherwise author-
16 ized by air traffic control.

17 (2) COMPLIANCE DEADLINES.—In issuing a
18 final rule under paragraph (1), the Administrator
19 shall—

1 (A) include an effective date of not later
2 than 60 days after the date on which such final
3 rule is published in the Federal Register; and

4 (B) require aircraft described in paragraph
5 (1) to be equipped with ADS-B In not later
6 than December 31, 2031.

7 (3) FINAL REGULATION REQUIREMENTS.—In
8 issuing a final rule under paragraph (1), the Admin-
9 istrator shall, at a minimum, do the following:

10 (A) PERFORMANCE STANDARDS.—The Ad-
11 ministrator shall establish appropriate perform-
12 ance requirements for ADS-B In equipment to
13 provide integrated safety-enhancing capabilities
14 for a pilot or other flight crew, including by in-
15 creasing situational awareness to the location of
16 other aircraft and providing traffic advisories
17 with alerting sufficient to provide traffic advi-
18 sory indications while airborne and on the air-
19 port surface, such as visual and aural
20 advisories.

21 (B) ALTERNATIVE EQUIPMENT OR TECH-
22 NOLOGY.—With respect to aircraft with a max-
23 imum certificated takeoff weight of less than
24 12,500 pounds when operating under part 91 of
25 title 14, Code of Federal Regulations, and

1 qualifying military aircraft as specified by the
2 Administrator in consultation with the Sec-
3 retary of Defense, the Administrator shall es-
4 tablish performance requirements for alter-
5 native equipment or technology that the Admin-
6 istrator determines acceptable in satisfying the
7 ADS-B In requirement. The performance re-
8 quirements shall, at a minimum—

9 (i) provide similar or improved situa-
10 tional awareness to the location of other
11 airborne traffic, as well as traffic advisory
12 information; and

13 (ii) leverage the use of portable ADS-
14 B In receivers or equipment that allow dis-
15 play on an existing or future electronic
16 flight bag or panel mounted display, pro-
17 vided that the installation or use of such
18 equipment does not adversely affect other
19 required avionics or the airworthiness of
20 the aircraft.

21 (C) REQUIRED BRIEFING.—The Adminis-
22 trator shall brief the appropriate committees of
23 Congress, the Committee on Armed Services of
24 the Senate, and the Committee on Armed Serv-
25 ices of the House of Representatives, on at least

1 a monthly basis, regarding the alternative
2 equipment or technology for qualifying military
3 aircraft prior to determining that such equip-
4 ment or technology is acceptable to satisfy the
5 ADS-B In requirement.

6 (D) GUIDANCE.—The Administrator shall
7 issue relevant guidance for aircraft operators
8 and other appropriate stakeholders regarding
9 the types of equipment that satisfy the perform-
10 ance requirements described in this paragraph.

11 (4) OTHER REQUIREMENTS.—In issuing a final
12 rule under paragraph (1), the Administrator shall
13 include—

14 (A) requirements for ADS-B In equipment
15 and the use of such equipment;

16 (B) technical assistance to facilitating
17 ADS-B In equipage across the entire fleet of
18 affected aircraft, including, as appropriate,
19 guidance under part 26 of title 14, Code of
20 Federal Regulations, to provide support for af-
21 fected transport airplane operators in complying
22 with the requirements of this section;

23 (C) any other associated guidance nec-
24 essary to assist operators and other stake-
25 holders in identifying equipment that satisfies

1 the ADS–B In performance standards described
2 in paragraph (3) prior to the compliance dead-
3 line described in paragraph (2)(B);

4 (D) a determination of alternative equip-
5 ment or technology described in subsection (e);
6 and

7 (E) a presumption, absent clear and com-
8 pelling evidence to the contrary, that ADS–B In
9 equipment is cost beneficial and improves avia-
10 tion safety.

11 (5) CONGRESSIONAL BRIEFINGS.—Not later
12 than 180 days after the date of enactment of this
13 section, and every 90 days thereafter, the Adminis-
14 trator shall brief the appropriate committees of Con-
15 gress, as well as publish a publicly available report,
16 on the status of—

17 (A) the ADS–B In rulemaking required
18 under paragraph (1); and

19 (B) after the compliance deadline described
20 in paragraph (2)(A), the implementation and
21 oversight of such ADS–B In requirement.

22 (b) NEGOTIATED RULEMAKING COMMITTEE.—

23 (1) COMMITTEE.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date of enactment of this section, the

1 Administrator may establish a negotiated rule-
2 making committee (in this section referred to as
3 the “committee”) pursuant to section 565 of
4 title 5, United States Code, to negotiate pro-
5 posed regulations to implement the require-
6 ments described in subsection (a).

7 (B) MEMBERSHIP.—If the Administrator
8 elects to establish a committee under this sub-
9 section, the committee shall be composed of—

10 (i) representatives of—

11 (I) the FAA;

12 (II) air carriers;

13 (III) avionics manufacturers;

14 (IV) aircraft manufacturers; and

15 (V) general aviation organiza-
16 tions;

17 (ii) the exclusive bargaining represent-
18 ative of air traffic controllers of the FAA
19 certified under section 7511 of title 5,
20 United States Code;

21 (iii) organizations representing cer-
22 tified collective bargaining representatives
23 of airline pilots, including the principal or-
24 ganization representing the largest cer-

1 tified collective bargaining representative
2 of airline pilots;

3 (iv) aviation safety experts outside of
4 the FAA; and

5 (v) any other representatives deter-
6 mined appropriate by the Administrator.

7 (C) REQUIRED CONSULTATION.—In estab-
8 lishing a committee under this subsection, the
9 Administrator—

10 (i) shall consult with the Secretary of
11 Defense and the Secretary of Homeland
12 Security; and

13 (ii) may consult with other Federal
14 agencies as appropriate.

15 (2) REQUIREMENTS.— If the Administrator
16 elects to establish a committee under this subsection,
17 the Administrator shall do the following:

18 (A) IN GENERAL.—The Administrator
19 shall direct the committee to make rec-
20 ommendations relating to—

21 (i) ADS–B In equipment and its use;

22 (ii) ADS–B In equipment perform-
23 ance standards pursuant to subsection

24 (a)(3);

1 (iii) the consideration of effective ap-
2 proaches to facilitating ADS-B In equi-
3 page across the entire fleet of affected air-
4 craft, including requirements under part
5 26 of title 14, Code of Federal Regula-
6 tions, to provide support for affected trans-
7 port category airplane operators in com-
8 plying with the requirements of this sec-
9 tion; and

10 (iv) with respect to aircraft with a
11 maximum certificated takeoff weight of
12 less than 12,500 pounds when operating
13 under part 91 of title 14, Code of Federal
14 Regulations, a recommendation for low
15 cost alternative equipment or technology in
16 accordance with subsection (e).

17 (B) LACK OF COMMITTEE CONSENSUS.—In
18 the event the committee does not reach a con-
19 sensus regarding a recommendation for low cost
20 alternative equipment or technology under sub-
21 paragraph (A)(iv), the Administrator shall,
22 after the submission of the committee under
23 paragraph (3), consider prescribing a low cost
24 alternative that includes the criteria described
25 in subsection (e).

1 (3) SUBMISSION TO THE ADMINISTRATOR.—If
2 the Administrator elects to establish a committee
3 under this subsection, not later than 1 year after the
4 date of enactment of this section, the committee
5 shall submit to the Administrator—

6 (A) a consensus proposal of regulations to
7 implement the requirement described in sub-
8 section (a)(1); or

9 (B) in the event the committee does not
10 reach a consensus, a report identifying any
11 points of agreement and disagreement with re-
12 spect to such proposed regulations.

13 (4) PROPOSED RULE.— If the Administrator
14 elects to establish a committee under this subsection,
15 not later than 180 days after receiving the submis-
16 sion of the committee under paragraph (3), the Ad-
17 ministrator shall issue a proposed rule, in accord-
18 ance with section 553 of title 5, United States Code,
19 that either—

20 (A) to the maximum extent possible con-
21 sistent with the legal obligations of the FAA,
22 uses the consensus proposal of the committee
23 under paragraph (3)(A) as the basis for the
24 proposed rule for notice and comment, includ-

1 ing with respect to any standards or require-
2 ments described in subsection (a)(3); or

3 (B) in the event the committee does not
4 reach a consensus, considers the points of
5 agreement and disagreement submitted by the
6 committee under paragraph (3)(B).

7 (c) CONSULTATION REQUIRED WITHOUT NEGO-
8 TIATED RULEMAKING COMMITTEE.—If the Administrator
9 does not establish a committee under subsection (b), prior
10 to issuing a final rule, the Administrator shall consult with
11 appropriate stakeholders in conducting the rulemaking re-
12 quired under subsection (a)(1), including at a minimum
13 the representatives described in subsection (b)(1)(B).

14 (d) PHASED-IN RETROFIT.—

15 (1) IN GENERAL.—In issuing a final rule under
16 subsection (a)(1), the Administrator shall—

17 (A) establish a process by which the oper-
18 ator of an affected aircraft, in service as of the
19 date on which the final rule under subsection
20 (a)(1) is published in the Federal Register in
21 accordance with subsection (a)(2)(A), may
22 apply to the Administrator to request additional
23 time, not to exceed a period of 1 year after the
24 deadline described in subsection (a)(2)(B), to fi-

1 nalize equipage of its fleet and make ADS–B In
2 operational, provided that—

3 (i) an aircraft operator, owner, or
4 their agent submits an application deemed
5 acceptable to the Administrator for addi-
6 tional time for compliance, including a jus-
7 tification for such request and an attesta-
8 tion of actions to date demonstrating
9 progress toward achieving compliance;

10 (ii) the Administrator, in consultation
11 with the Secretary of Transportation, de-
12 termines additional time is required to
13 mitigate a significant disruption to air
14 transportation; and

15 (iii) the Administrator determines the
16 aircraft operator or owner does not have
17 any uncorrected violations of subchapters
18 F and G of chapter I of title 14, Code of
19 Federal Regulations; and

20 (B) notify the appropriate committees of
21 Congress not later than 14 days after making
22 a determination under clause (ii) or (iii) of sub-
23 paragraph (A).

24 (2) SPECIAL RULE FOR AGENTS.—With the ex-
25 ception of an agent representing an owner or oper-

1 ator of transport airplanes, for the purposes of this
2 subsection, an agent may represent more than 1 air-
3 craft operator or owner of the same type, model, or
4 manufacturer and may submit 1 or more applica-
5 tions under paragraph (1)(A)(i), each of which may
6 contain multiple aircraft operators or owners.

7 (e) **LOW COST ALTERNATIVE METHOD OF COMPLI-**
8 **ANCE.**—In issuing a final rule under subsection (a)(1), the
9 Administrator shall determine low cost equipment or tech-
10 nologies that provide similar or improved situational
11 awareness to the location of other airborne traffic, as well
12 as traffic advisory information, that satisfy the ADS–B
13 In equipage requirement for aircraft with a maximum cer-
14 tificated takeoff weight of less than 12,500 pounds when
15 operated under part 91 of title 14, Code of Federal Regu-
16 lations. In making such a determination, the Adminis-
17 trator shall consider the use of—

18 (1) portable ADS–B In receivers; and
19 (2) equipment that allows display on an existing
20 or future electronic flight bag or panel mounted dis-
21 play, provided the installation or use does not ad-
22 versely affect other required avionics or the air-
23 worthiness of the aircraft.

24 (f) **PROACTIVE EQUIPAGE.**— With respect to any air-
25 craft for which ADS–B In equipment is available and com-

1 plies with the requirements of the final rule issued under
2 subsection (a)(1), the operator of any such aircraft shall
3 take all appropriate actions necessary to equip such air-
4 craft with ADS-B In prior to the compliance deadline de-
5 scribed in subsection (a)(2).

6 (g) SEPARATION STANDARDS; RELEVANT CON-
7 TROLLER TRAINING.—

8 (1) RULEMAKING.—

9 (A) IN GENERAL.—Not later than 18
10 months after the effective date of the final rule
11 described in subsection (a), the Administrator
12 shall issue a notice of proposed rulemaking to
13 establish separation standards, as appropriate,
14 that leverage ADS-B Out or ADS-B In equip-
15 ment, and all other available technological capa-
16 bilities in the air traffic control system, to
17 achieve safety and efficiency benefits through-
18 out the national airspace system, including on
19 an airport surface and within Class E airspace
20 (as defined in section 71.71 of title 14, Code of
21 Federal Regulations, or any successor regula-
22 tion).

23 (B) CONSULTATION.—In conducting the
24 rulemaking under this subsection, the Adminis-

1 trator shall consult with appropriate stake-
2 holders, including, at a minimum—

3 (i) representatives of—

4 (I) air carriers;

5 (II) original equipment manufac-
6 turers; and

7 (III) general aviation organiza-
8 tions;

9 (ii) organizations representing cer-
10 tified collective bargaining representatives
11 of airline pilots, including the principal or-
12 ganization representing the largest cer-
13 tified collective bargaining representative
14 of airline pilots;

15 (iii) the exclusive bargaining rep-
16 resentative of air traffic controllers of the
17 FAA certified under section 7111 of title
18 5, United States Code;

19 (iv) aviation safety experts from out-
20 side the FAA; and

21 (v) any other stakeholder deemed ap-
22 propriate by the Administrator.

23 (2) REQUIRED UPDATES TO FAA ORDERS.—Not
24 later than 18 months after the issuance of the notice
25 of proposed rulemaking under paragraph (1)(A), the

1 Administrator shall complete revisions, as appro-
2 priate, to FAA Order 7110.65 and other relevant
3 FAA Orders, to increase safety and efficiency bene-
4 fits in the national airspace system.

5 (3) RELEVANT CONTROLLER TRAINING.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the compliance deadline described in sub-
8 section (a)(2), the Administrator shall revise
9 initial and recurrent air traffic controller train-
10 ing, as appropriate, in accordance with FAA
11 Orders 3000.22 and 3120.4 and revise associ-
12 ated orders and directives, as appropriate, to
13 ensure such controllers are trained to apply any
14 new separation standards and procedures.

15 (B) REQUIREMENTS.—In revising training
16 under subparagraph (A), the Administrator
17 shall—

18 (i) consider human factors impacts,
19 appropriate phraseology adjustments, and
20 surface movement applications; and

21 (ii) consult with the exclusive bar-
22 gaining representative of air traffic con-
23 trollers of the FAA certified under section
24 7111 of title 5, United States Code.

In the long title amendment at the end of the bill,
strike “collision prevention” and insert “ADS-B In”.

