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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To direct the Administrator of the Federal Aviation Administration to revise regulations relating to ADS-B Out transmission exceptions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BARRETT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To direct the Administrator of the Federal Aviation Administration to revise regulations relating to ADS-B Out transmission exceptions, and for other purposes.

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 “Military ADS-B Out  
5       Loophole Act”.

6       **SEC. 2. REVISION TO EXCEPTION FOR ADS-B OUT TRANS-**  
7       **MISSION.**

8       (a) ADS-B OUT REFORMS.—

1 (1) IN GENERAL.—Beginning on the date of en-  
2 actment of this section, in applying section  
3 91.225(f)(1) of title 14, Code of Federal Regula-  
4 tions, the term “sensitive government mission”—

5 (A) shall be narrowly construed; and

6 (B) shall be limited to the portion of the  
7 flight during which sensitive activities are car-  
8 ried out.

9 (2) RULEMAKING AND ADMINISTRATIVE AC-  
10 TION.—

11 (A) IN GENERAL.—Not later than 1 year  
12 after the date of enactment of this section, the  
13 Administrator of the Federal Aviation Adminis-  
14 tration shall—

15 (i) issue or revise regulations to up-  
16 date section 91.225(f) of title 14, Code of  
17 Federal Regulations, to comply with the  
18 requirements of this section; and

19 (ii) revise any memorandum of agree-  
20 ment between the FAA and any other Fed-  
21 eral, State, local, or Tribal agency to con-  
22 form with the revised regulations described  
23 in clause (i).

24 (B) REPORT.—If the Administrator fails  
25 to issue or revise regulations pursuant to sub-

1 paragraph (A) or revise any memorandum of  
2 agreement between the FAA and any other  
3 agency pursuant to such subparagraph, the Ad-  
4 ministrator shall, within 30 days, submit to the  
5 appropriate committees of Congress a report on  
6 the status of such regulations, including the  
7 reasons that the Administrator has failed to  
8 issue or revise such regulations within the pe-  
9 riod required under such subparagraph.

10 (b) GAO REVIEW AND REPORT.—Not later than 2  
11 years after the date of enactment of this section, the  
12 Comptroller General of the United States shall—

13 (1) review the utilization of exceptions under  
14 section 91.225(f) of title 14, Code of Federal Regu-  
15 lations (or any successor regulation), as revised  
16 under subsection (a), to determine—

17 (A) whether the Department of Defense  
18 and other relevant Federal agencies or other  
19 applicable operators have utilized such excep-  
20 tions in accordance with relevant laws and reg-  
21 ulations; and

22 (B) the extent of such utilization;

23 (2) compare the utilization of exceptions speci-  
24 fied in such section 91.225(f) before and after the

1 issuance of revised regulations under subsection (a);  
2 and

3 (3) submit to the Administrator and the appro-  
4 priate committees of Congress a report on the find-  
5 ings of the review conducted under paragraph (1)  
6 and the comparison conducted under paragraph (2).

7 (c) FAA REVIEW OF NON-COMPLIANT OPERA-  
8 TIONS.—Upon submission of the report under subsection  
9 (b)(3), the Administrator shall—

10 (1) determine whether any Federal agency or  
11 other applicable operator that has been found to  
12 have not utilized the exceptions under section  
13 91.225(f) of title 14, Code of Federal Regulations  
14 (or any successor regulation), as revised under sub-  
15 section (a), in accordance with relevant laws and  
16 regulations shall be permitted to continue to utilize  
17 such exceptions; and

18 (2) not later than 30 days after the date on  
19 which the Comptroller General submits the report  
20 under subsection (b)(3), brief the appropriate com-  
21 mittees of Congress on such determination.

22 (d) REPORTS.—

23 (1) TO THE ADMINISTRATOR.—Not later than  
24 90 days after the date of enactment of this section,  
25 and on a quarterly basis thereafter, each Federal,

1 State, local, and Tribal agency that performs sen-  
2 sitive government missions as described in section  
3 91.225(f)(1) of title 14, Code of Federal Regulations  
4 (or any successor regulation), as revised under sub-  
5 section (a), shall submit to the Administrator a re-  
6 port that includes—

7 (A) an attestation that such operations are  
8 regularly transmitting ADS-B Out and are  
9 conducted with proper consideration to aviation  
10 safety; and

11 (B) a list of operations delineated by flight  
12 in which the ADS-B Out equipment is not in  
13 transmit mode because the aircraft was per-  
14 forming a sensitive government mission, includ-  
15 ing the airport, airspace location, date, time,  
16 duration, and mission type of each such oper-  
17 ation.

18 (2) TO CONGRESS.—

19 (A) IN GENERAL.—Not later than 180  
20 days after the date of enactment of this section,  
21 and biannually thereafter, the Administrator  
22 shall submit to the appropriate committees of  
23 Congress a report on the frequency and nature  
24 of the ADS-B Out exceptions granted to Fed-  
25 eral, State, local, and Tribal agencies under

1 section 91.225(f)(1) of title 14, Code of Federal  
2 Regulations (or any successor regulation), as  
3 revised under subsection (a).

4 (B) CONTENT.—The report submitted  
5 under subparagraph (A)—

6 (i) shall include—

7 (I) aggregated data on the oper-  
8 ations in which ADS-B Out equip-  
9 ment is not in transmit mode by each  
10 agency described in paragraph (1);  
11 and

12 (II) a determination from the  
13 Administrator as to whether each op-  
14 eration described in paragraph (1)(B)  
15 jeopardizes aviation safety; and

16 (ii) may include a classified annex.

17 (C) SPECIAL NOTIFICATION.—If an agency  
18 described in paragraph (1) operates a flight  
19 using an exception granted under section  
20 91.225(f)(1) of title 14, Code of Federal Regu-  
21 lations (or any successor regulation), as revised  
22 under subsection (a), 5 or more times in a cal-  
23 endar month, or fails to provide to the Adminis-  
24 trator the attestation required under paragraph  
25 (1)(A), the Administrator shall notify the ap-

1           appropriate committees of Congress of such use  
2           within 14 days of being notified of such use.  
3           For the purposes of this subparagraph, a flight  
4           shall be interpreted as the period beginning  
5           when an aircraft moves under its own power for  
6           the purpose of flight and ending when the air-  
7           craft lands.

8           (e) ANNUAL INSPECTOR GENERAL AUDITS.—

9           (1) IN GENERAL.—Beginning on the date that  
10          is 3 years after the date of enactment of this sec-  
11          tion, the inspector general of the Department of  
12          Transportation shall conduct an annual audit of  
13          FAA oversight of all operations that utilize an ex-  
14          ception under section 91.225(f)(1) of title 14, Code  
15          of Federal Regulations (or any successor regulation),  
16          as revised under subsection (a), including Federal  
17          agency operations.

18          (2) CONSIDERATIONS.—In conducting an audit  
19          under paragraph (1), the inspector general shall as-  
20          sess the efficacy of FAA oversight related to the fol-  
21          lowing:

22                (A) Ensuring exceptions under such sec-  
23                tion 91.225(f)(1) (or any successor regulation)  
24                are strictly utilized by operators in accordance  
25                with relevant laws and regulations.

1 (B) Identifying and engaging with any op-  
2 erator not in compliance with relevant laws and  
3 regulations relating to exceptions under such  
4 section 91.225(f)(1) (or any successor regula-  
5 tion).

6 (C) Any other factor determined appro-  
7 priate by the inspector general.

8 (3) BRIEFINGS TO CONGRESS.—The inspector  
9 general shall brief the appropriate committees of  
10 Congress on an annual basis after the completion of  
11 each annual audit.

12 (f) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Federal  
15 Aviation Administration.

16 (2) ADS-B OUT.—The term “ADS-B Out”—  
17 (A) has the meaning given such term in  
18 section 91.227 of title 14, Code of Federal Reg-  
19 ulations; and

20 (B) broadcasts information from the air-  
21 craft in accordance with sections 91.225 and  
22 91.227 of such title (or any successor regula-  
23 tions).



1           (3) APPROPRIATE COMMITTEES OF CON-  
2       GRESS.—The term “appropriate committees of Con-  
3       gress” means—

4           (A) the Committee on Transportation and  
5       Infrastructure of the House of Representatives;

6           (B) the Committee on Armed Services of  
7       the House of Representatives;

8           (C) the Committee on Commerce, Science,  
9       and Transportation of the Senate; and

10          (D) the Committee on Armed Services of  
11       the Senate.

12          (4) FAA.—The term “FAA” means the Fed-  
13       eral Aviation Administration.