

118TH CONGRESS
1ST SESSION

S. 816

To require the Administrator of the Federal Aviation Administration to establish an Aviation Rulemaking Committee to make recommendations regarding continuous aircraft tracking and transmission of identity, altitude, and location data for high altitude balloons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2023

Mr. KELLY (for himself and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Administrator of the Federal Aviation Administration to establish an Aviation Rulemaking Committee to make recommendations regarding continuous aircraft tracking and transmission of identity, altitude, and location data for high altitude balloons, 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 “Seeing Objects at Alti-
5 tude Regularly Act” or the “SOAR Act”.

1 **SEC. 2. CONTINUOUS AIRCRAFT TRACKING AND TRANS-**
2 **MISSION FOR HIGH ALTITUDE BALLOONS.**

3 (a) AVIATION RULEMAKING COMMITTEE.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this section, the Ad-
6 ministrator shall establish an Aviation Rulemaking
7 Committee (in this section referred to as the “Com-
8 mittee”) to review and develop findings and rec-
9 ommendations regarding a standard that any high
10 altitude balloon be equipped with a system for con-
11 tinuous aircraft tracking that shall transmit, at a
12 minimum, the altitude, location, and identity of the
13 high altitude balloon in a manner which is accessible
14 to air traffic controllers, aircraft, and other users of
15 the National Airspace System.

16 (2) COMPOSITION.—The Committee shall con-
17 sist of members appointed by the Administrator, in-
18 cluding the following:

19 (A) Representatives of industry.

20 (B) Aviation safety experts with specific
21 knowledge of high altitude balloon operations.

22 (C) Representatives of the Department of
23 Defense.

24 (D) Representatives of Federal agencies
25 that conduct high altitude balloon operations.

1 (3) REPORT.—Not later than 18 months after
2 the date of enactment of this section, the Committee
3 shall submit to the Administrator a report detailing
4 the findings and recommendations of the Committee
5 described in paragraph (1). Such report shall include
6 recommendations regarding the following:

7 (A) How to update sections 91.215,
8 91.225, and 99.13 of title 14, Code of Federal
9 Regulations, to require any high altitude bal-
10 loons to have a continuous aircraft tracking and
11 transmission system.

12 (B) Any necessary updates to the require-
13 ments for unmanned free balloons under sub-
14 part D of part 101 of title 14, Code of Federal
15 Regulations.

16 (C) Any necessary updates to other Fed-
17 eral Aviation Administration regulations or re-
18 quirements deemed appropriate and necessary
19 by the Administrator to—

20 (i) ensure any high altitude balloon
21 has a continuous aircraft tracking and
22 transmission system;

23 (ii) ensure all data relating to the alti-
24 tude, location, and identity of any high al-
25 titude balloon is made available to air traf-

1 fic controllers, aircraft, and other users of
2 the National Airspace System; and

3 (iii) maintain airspace safety.

4 (b) RULEMAKING AND OTHER REQUIREMENTS.—

5 Not later than 180 days after the date on which the Com-
6 mittee submits the report under subsection (a)(3), the Ad-
7 ministrator shall—

8 (1) issue a notice of proposed rulemaking to re-
9 quire a continuous aircraft tracking and trans-
10 mission system for any high altitude balloon, in ac-
11 cordance with the recommendations of the Com-
12 mittee; and

13 (2) coordinate with foreign authorities (includ-
14 ing bilateral partners and the International Civil
15 Aviation Organization (ICAO)) to develop contin-
16 uous aircraft tracking and transmission system
17 standards for any high altitude balloon operating
18 outside of the National Airspace System.

19 (c) INTERIM STANDARD.—During the period begin-
20 ning on the date that is 2 years after the date of enact-
21 ment of this section and ending on the date on which the
22 Administrator issues a notice of proposed rulemaking
23 under subsection (b)(1), a person may only operate a high
24 altitude balloon if such balloon meets the requirements de-
25 scribed in section 91.215(b) of title 14, Code of Federal

1 Regulations, notwithstanding the exemption provided in
2 subsection (e)(1) of such section 91.215.

3 (d) REPORTS TO CONGRESS.—Not later than 6
4 months after the date of enactment of this section, and
5 every 6 months thereafter until the Administrator promul-
6 gates a final rule under subsection (b), the Administrator
7 shall submit to the appropriate committees of Congress
8 a report on the status of the rulemaking and other re-
9 quirements being developed under such subsection.

10 (e) DEFINITIONS.—In this section:

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

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

17 (A) the Committee on Commerce, Science,
18 and Transportation of the Senate;

19 (B) the Committee on Appropriations of
20 the Senate;

21 (C) the Committee on Transportation and
22 Infrastructure of the House of Representatives;
23 and

24 (D) the Committee on Appropriations of
25 the House of Representatives.

1 (3) HIGH ALTITUDE BALLOON.—The term
2 “high altitude balloon” means a manned or un-
3 manned free balloon operating not less than 10,000
4 feet above sea level.

○