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**SUBJECT: Part 101 Modernization Aviation Rulemaking Committee Charter**

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1. **PURPOSE.** This charter establishes the Part 101 Modernization Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) § 106(p)(5) and Section 361 of the Federal Aviation Administration (FAA) Reauthorization Act of 2024, Public Law 118-63 (the Act). The sponsor of the ARC is the Director of Mission Support Services, Policy (AJV-P). This charter outlines the ARC's organization, responsibilities, and tasks.
2. **BACKGROUND.** Section 361 of the Act directs the FAA to review and develop findings and recommendations to inform a standard for any high-altitude balloon to be equipped with a system for continuous aircraft tracking that transmits, at a minimum, the altitude, location, and identity of the high-altitude balloon in a manner that is accessible to air traffic controllers and ensures the safe integration of high-altitude balloons into the national airspace system (NAS).

The regulations in part 101 of Title 14, Code of Federal Regulations (14 CFR) concerning the operation of moored balloons and unmanned free balloons, specifically those that operate at high altitudes, are outdated. Over the past several years, technology has advanced tremendously, while the regulations for balloon operations under part 101 have remained substantially unchanged for more than 50 years. When part 101 regulations were written, balloons were unmanned, small, and used mainly for weather observations. Balloons are now increasingly used for a wide range of scientific, research, and recreational purposes.

In 2016, the FAA tasked the Part 101 ARC with providing recommendations for the safe operation of moored balloons, unmanned free balloons (UFB), fireworks, and sky lanterns, and the use of hybrid devices in the NAS. In December 2017, the Part 101 ARC report provided recommendations that the FAA could implement with and without rulemaking. Considering the advances in technology for UFBs, the FAA will task the Part 101 Modernization ARC with reviewing the ARC's 2017 recommendations related to UFBs and revalidating the recommendations. These recommendations may consist of non-rulemaking and rulemaking recommendations.

3. **OBJECTIVES OF THE ARC.** The Part 101 Modernization ARC will provide a forum for the United States aviation community and other NAS users to discuss, prioritize, and provide recommendations to the FAA focused on operations conducted under part 101. The ARC will make recommendations that may call for new or amended rules as well as internal policy and guidance development for the safe and efficient use of the NAS.

4. **TASKS OF THE ARC.** The Part 101 Modernization ARC is tasked as follows:

- a. Review, develop findings, and make recommendations to inform a standard for high-altitude balloons to be equipped with a system for continuous tracking. At a minimum, the ARC is tasked with making recommendations for a standard that:
  - i. transmits altitude, location, and aircraft identification information;
  - ii. is accessible to air traffic controllers; and
  - iii. ensures the safe integration of high-altitude balloons in the NAS.
- b. Make recommendations on changes to 14 CFR § 91.215, § 91.225, and § 99.13, and 14 CFR part 101, Subpart D that would require all high-altitude balloons to have a continuous tracking and transmission system.
- c. Make recommendations on changes to other FAA regulations that would be necessary to implement the recommendations in tasking paragraphs a and b.
- d. Make recommendations on criteria and approval guidance for new equipment to provide continuous tracking and transmission of tracking information for high-altitude balloons that otherwise meet the requirements of 14 CFR § 91.225.
- e. Make recommendations on changes to 14 CFR § 101.11 regarding applicability to manned moored balloons or kites.
- f. Review the ARC recommendations for UFBs documented within section 4.1.2. of the previous Part 101 ARC report and either confirm or revise and revalidate those recommendations.
- g. Consider the impact of all recommendations on the FAA's ability to maintain the safety and efficiency of the NAS.
- h. For any recommendation to change regulations, provide quantitative benefit and cost estimates, qualitative benefit-cost description, and compliance trade-offs.
- i. Submit the recommendation report to the FAA in phases, according to the following schedule:
  - The recommendation report for paragraphs 4(a) through (e) is due November 14, 2025.
  - The recommendation report for paragraph 4(f) is due 12 months from the first ARC meeting.

The recommendation reports should detail the findings and recommendations that address the identified objectives and tasks as appropriate. The FAA requests that the ARC provide any available data to support the recommendations.

- j. The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.
- k. The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

## **5. ARC PROCEDURES.**

- a. The Part 101 Modernization ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The Part 101 Modernization ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The Part 101 Modernization ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

## **6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** As prescribed in section 361(b)(2) of the Act, the ARC membership will include –

- a. Representatives of industry.
- b. Aviation safety experts, including experts with specific knowledge of --
  - i. High-altitude balloon operations; or
  - ii. FAA tracking and surveillance systems.
- c. Non-governmental researchers and educators.
- d. Representatives of the U.S. Department of Defense.
- e. Representatives of federal agencies that conduct high-altitude balloon operations.

ARC members will be selected based on their knowledge and experience with:

- a. Aircraft technology and operations, including traditional and unmanned aviation;
- b. NAS systems and aviation infrastructure;
- c. Aviation tracking and surveillance systems;

- d. High-altitude balloon or other 14 CFR part 101 operations; and
- e. Aviation safety.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continue the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.” For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. In general, the Part 101 Modernization ARC members shall be appointed for the duration of the ARC. When necessary, the ARC may set up specialized and temporary working groups that include at least one member and invited subject matter experts from industry and government.

Other federal government agency subject matter experts may be requested to participate as Observers and to provide technical support to the members.

- a. The Sponsor, Director of Mission Support Services, Policy (AJV-P) will designate the FAA Co-Chair. The FAA Co-Chair will:
  - 1) Select and appoint industry members and the FAA participants,
  - 2) Select the Industry Co-Chair from the membership of the Part 101 Modernization ARC,
  - 3) Ensure FAA participation and support from all affected lines of business,
  - 4) Provide notification to the members of the time and place for each meeting, and
  - 5) Receive any status report and the recommendations report.
- b. Once appointed, the Industry Co-Chair will:
  - 1) Coordinate required Part 101 Modernization ARC meetings to meet the objectives and timelines,
  - 2) Establish and distribute meeting agendas in a timely manner,
  - 3) Keep meeting notes, if deemed necessary,

- 4) Perform other responsibilities as required to ensure the objectives are met,
  - 5) Provide status reports, as requested, in writing to the FAA Director of Mission Support Services, Policy (AJV-P), and
  - 6) Submit the recommendation report to the FAA Director of Mission Support Services, Policy (AJV-P), and the Executive Director of the Office of Rulemaking.
7. **PUBLIC PARTICIPATION.** Part 101 Modernization ARC meetings are not open to the public. Persons or organizations outside the Part 101 Modernization ARC who express interest in attending a meeting must get approval in advance from the Industry Co-Chair and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Subject to applicable Freedom of Information Act Exemptions pursuant to Title 5, U.S.C., section 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Mission Support Services, Policy (AJV-P) FAA Headquarters, 600 Independence Ave. SW, Washington, D.C. 20597. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the CFR, part 7.
- You can find this charter on the FAA Committee Database website at:  
[http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).
9. **DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety; the Office of the Chief Counsel; the Office of Assistant Administrator for Policy, International Affairs, and Environment; and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 2 years unless the charter the Administrator suspends, terminates, or extends the charter earlier.

Issued in Washington, D.C. on April 4, 2025.

*Christopher J. Rocheleau*

Christopher J. Rocheleau  
Acting Administrator