

118TH CONGRESS
1ST SESSION

S. 902

To require the Administrator of the Federal Aviation Administration to designate an overland supersonic and hypersonic testing corridor in the United States to test military passenger and non-passenger aircraft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. LEE 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 designate an overland supersonic and hypersonic testing corridor in the United States to test military passenger and non-passenger aircraft, 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 “Supersonic and
5 Hypersonic Aircraft Testing Corridor Act”.

1 **SEC. 2. DESIGNATION OF OVERLAND SUPERSONIC AND**
2 **HYPERSONIC TESTING CORRIDOR.**

3 (a) DESIGNATION.—

4 (1) IN GENERAL.—Notwithstanding section
5 91.817 of title 14, Code of Federal Regulations, not
6 later than 180 days after the date of enactment of
7 this section, the Administrator of the Federal Avia-
8 tion Administration (in this section referred to as
9 the “Administrator”), in consultation with the Sec-
10 retary of Defense, shall designate an overland super-
11 sonic and hypersonic testing corridor in the United
12 States that runs from Edwards Air Force Base,
13 California to the Utah Test and Training Range and
14 Dugway Proving Ground in Utah for the purposes
15 described in subsection (b).

16 (2) REQUIREMENTS.—

17 (A) MILITARY OPERATION AREAS.—In des-
18 ignating the corridor under paragraph (1), the
19 Administrator shall—

20 (i) to the extent practicable, designate
21 the corridor within existing military oper-
22 ation areas (in this section referred to as
23 “MOA”) in the area described in such
24 paragraph; or

25 (ii) if necessary, designate new MOA
26 airspace to complete the corridor and en-

1 sure that the corridor is suitable for test-
2 ing.

3 (B) INCREASED ALTITUDE.—The Adminis-
4 trator shall—

5 (i) set the vertical limits in the cor-
6 ridor designated under paragraph (1) at
7 FL 1000; and

8 (ii) increase, as necessary, the vertical
9 limit of any existing MOA in the corridor
10 to FL 1000.

11 (b) PURPOSES OF DESIGNATED CORRIDOR.—The
12 corridor designated under subsection (a)(1) shall be used
13 for the following purposes:

14 (1) To test supersonic and hypersonic military
15 passenger aircraft and military non-passenger air-
16 craft.

17 (2) To test supersonic and hypersonic civil air-
18 craft subject to subsection (e).

19 (c) TESTING REQUIREMENTS.—Any supersonic or
20 hypersonic aircraft testing in the corridor designated
21 under subsection (a)(1) shall meet the following require-
22 ments:

23 (1) The testing shall only occur from sunrise to
24 sunset.

1 (2) The testing shall not include any commer-
2 cial passengers or commercial cargo.

3 (d) SPECIAL FLIGHT AUTHORIZATION REQUIRE-
4 MENTS.—With respect to special flight authorizations
5 under section 91.818(c) of title 14, Code of Federal Regu-
6 lations, for civil aircraft testing as described in subsection
7 (b)(2), the Administrator shall do the following:

8 (1) PERMIT SONIC BOOM OVERPRESSURE.—In
9 considering the environmental findings to grant a
10 special flight authorization, the Administrator shall
11 permit a measurable amount of sonic boom over-
12 pressure outside of the corridor designated under
13 subsection (a)(1), as long as the available data is
14 sufficient for the Administrator to determine that
15 the sonic boom overpressure does not significantly
16 affect the quality of the human environment.

17 (2) NOISE IMPACT DATA.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), in considering the environmental
20 findings to grant a special flight authorization,
21 the Administrator shall not require any addi-
22 tional environmental impact analysis regarding
23 noise impact if—

24 (i) an applicant presents data gen-
25 erated from FAA-approved software; and

1 (ii) such data reasonably dem-
2 onstrates that there is no additional noise
3 impact due to the applicant's testing of su-
4 personic or hypersonic civil aircraft.

5 (B) EXCEPTION.—The Administrator may
6 require an additional environmental impact
7 analysis regarding noise impact if the Adminis-
8 trator certifies that extraordinary circumstances
9 exist to justify such additional analysis.

10 (3) REUSE OF RESEARCH AND FINDINGS.—The
11 Administrator shall reuse any applicable research
12 and findings from a prior supersonic or hypersonic
13 civil aircraft test and incorporate such research and
14 findings into any applicable analysis necessary to
15 grant a special flight authorization if the prior su-
16 personic or hypersonic civil aircraft test—

17 (A) was under similar conditions to the
18 testing proposed by the applicant for the special
19 flight authorization; and

20 (B) considered similar issues or decisions
21 as the testing proposed by the applicant for the
22 special flight authorization.

23 (e) CIVIL TESTING.—The Secretary of Defense shall
24 allow civil aircraft testing as described in subsection
25 (b)(2), unless—

1 (1) such testing would interfere with any mili-
2 tary operations or testing in the corridor; or

3 (2) the Administrator has not granted a special
4 flight authorization under section 91.818(c) of title
5 14, Code of Federal Regulations, for such testing.

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