

117TH CONGRESS
2D SESSION

S. 4372

To require the Administrator of the Federal Aviation Administration to carry out a pilot program on developing and testing dynamic management of special activity airspace, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2022

Mr. THUNE (for himself and Ms. SINEMA) 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 carry out a pilot program on developing and testing dynamic management of special activity airspace, 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 “Dynamic Airspace
5 Pilot Program Act of 2022”.

1 **SEC. 2. DEVELOPMENT AND TESTING OF DYNAMIC SCHED-**
2 **ULING AND MANAGEMENT OF SPECIAL AC-**
3 **TIVITY AIRSPACE.**

4 (a) SENSE OF CONGRESS ON SPECIAL ACTIVITY AIR-
5 SPACE SCHEDULING AND MANAGEMENT.—It is the sense
6 of Congress that—

7 (1) where it does not conflict with safety, dy-
8 namic scheduling and management of special activity
9 airspace (also referred to as “dynamic airspace”) is
10 expected to optimize the use of the national airspace
11 system for all stakeholders; and

12 (2) the Administrator of the Federal Aviation
13 Administration and the Secretary of Defense should
14 take such actions as may be necessary to support
15 ongoing efforts to develop dynamic scheduling and
16 management of special activity airspace, including—

17 (A) the continuation of formal partner-
18 ships between the Federal Aviation Administra-
19 tion and the Department of Defense that focus
20 on special activity airspace, future airspace
21 needs, and joint solutions; and

22 (B) maturing research within their feder-
23 ally funded research and development centers,
24 Federal partner agencies, and the aviation com-
25 munity.

26 (b) PILOT PROGRAM.—

1 (1) PILOT PROGRAM REQUIRED.—Not later
2 than 90 days after the date of the enactment of this
3 Act, the Administrator of the Federal Aviation Ad-
4 ministration, in coordination with the Secretary of
5 Defense, shall establish a pilot program on devel-
6 oping and testing dynamic management of special
7 activity airspace in order to accommodate emerging
8 military training requirements through flexible
9 scheduling, along with increasing access to special
10 activity airspace used by the Department of Defense
11 for test and training.

12 (2) TESTING OF SPECIAL ACTIVITY AIRSPACE
13 SCHEDULING AND MANAGEMENT.—Under the pilot
14 program established under paragraph (1), the Ad-
15 ministrator and the Secretary shall jointly test not
16 fewer than three areas of episodic or permanent spe-
17 cial activity airspace designated by the Federal Avia-
18 tion Administration for use by the Department of
19 Defense, of which—

20 (A) at least one shall be over coastal
21 waters of the United States;

22 (B) at least two shall be over land of the
23 United States;

24 (C) access to airspace available for test
25 and training is increased to accommodate dy-

1 namic scheduling of airspace to more efficiently
2 and realistically provide test and training capa-
3 bilities to Department of Defense aircrews; and

4 (D) any increase in access to airspace
5 made available for test and training shall not
6 conflict with the safe management of the na-
7 tional airspace system or the safety of all stake-
8 holders of the national airspace system.

9 (c) REPORT BY THE ADMINISTRATOR.—

10 (1) IN GENERAL.—Not less than two years
11 after the date of the establishment of the pilot pro-
12 gram under subsection (b)(1), the Administrator
13 shall submit to the appropriate committees of Con-
14 gress a report on the interim findings of the Admin-
15 istrator with respect to the pilot program.

16 (2) ELEMENTS.—The report submitted under
17 paragraph (1) shall include the following:

18 (A) An analysis of how the pilot program
19 established under subsection (b)(1) affected ac-
20 cess to special activity airspace by nonmilitary
21 users of the national airspace system.

22 (B) An analysis of whether the dynamic
23 management of special activity airspace con-
24 ducted for the pilot program established under
25 subsection (b)(1) contributed to more efficient

1 use of the national airspace system by all stake-
2 holders.

3 (d) REPORT BY THE SECRETARY.—Not less than two
4 years after the date of the establishment of the pilot pro-
5 gram under subsection (b)(1), the Secretary shall submit
6 to the appropriate committees of Congress a report on the
7 interim findings of the Secretary with respect to the pilot
8 program. Such report shall include an analysis of how the
9 pilot program affected military test and training.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Commerce, Science,
14 and Transportation, the Committee on Armed
15 Services, and the Committee on Appropriations
16 of the Senate; and

17 (B) the Committee on Transportation and
18 Infrastructure, the Committee on Science,
19 Space, and Technology, the Committee on
20 Armed Services, and the Committee on Appro-
21 priations of the House of Representatives.

22 (2) The term “special activity airspace” means
23 the following airspace with defined dimensions with-
24 in the National Airspace System wherein limitations
25 may be imposed upon aircraft operations:

- 1 (A) Restricted areas.
- 2 (B) Military operations areas.
- 3 (C) Air Traffic Control assigned airspace.
- 4 (D) Warning areas.

