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Committee For Justice

Holding Judges and Politicians Accountable to the Constitution



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June 28, 2017

The Honorable John Thune
Chairman, Senate Committee on Commerce, Science, and Transportation
512 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Bill Nelson
Ranking Member, Senate Committee on Commerce, Science, and Transportation
512 Dirksen Senate Building
Washington, D.C. 20510

RE: Lee-Gardner Amendment to S. 1405, Rulemaking on Overland Supersonic Flight

Dear Chairman Thune and Ranking Member Nelson:

Senator Mike Lee (R-UT) and Senator Cory Gardner (R-CO) have introduced an amendment to the Federal Aviation Administration (FAA) Reauthorization Act that would enable the development, testing, manufacturing, and operation of civil supersonic aircraft in the United States, in accordance with a sonic boom noise standard that is “economically reasonable and technologically practicable.” We the undersigned urge you to support this amendment. If enacted, we believe it will spur a renaissance in commercial aviation innovation, create thousands of American manufacturing jobs, and strengthen the United States’ position as a global technological leader.¹

¹ Dourado, Eli and Hammond, Samuel, “Make America Boom Again: How to Bring Back Supersonic Transport,” *Mercatus Center*, October 27, 2016, <https://www.mercatus.org/publications/make-america-boom-again>.

The 1973 ban on civil supersonic flight over land traces its origins to a panic spurred by an activist movement that opposed the French and British supersonic transporter, the Concorde.² While we see a legitimate public interest in reasonable limitations on aircraft noise, banning civil supersonic flight altogether is anachronistic, and has effectively created a technological speed limit over the United States. It has persisted for forty-four years due to regulatory inertia, and stifled private sector research and development into quiet and affordable supersonic travel for far too long.³

Left unamended, the Act would merely require the FAA to conduct a review of federal law and recent technological advancements as they pertain to the operation of supersonic aircraft over land, and report their recommendations to the relevant subcommittees within 180 days. We believe that, in light of over forty years of public research into supersonic transport by NASA, the FAA, and others, further delay is unwarranted.

The economic benefits of civil supersonic aviation over land will be enormous. Beyond being able to traverse the continental United States in two and a half hours, faster over land air travel will result in greater economic growth, increased geographic mobility, and many spin-off innovations. The FAA has the data it needs in order to devise a reasonable noise standard and replace the ban on civil supersonic over land. However, without the Lee-Gardner amendment to spur the FAA into action, civil supersonic aviation will continue to stagnate under regulatory uncertainty.

Sincerely,

Niskanen Center
Committee for Justice
Competitive Enterprise Institute
R Street Institute
TechFreedom

Cc: Senator Roy Blunt, Senator Deb Fischer, Senator Dan Sullivan, Senator James Inhofe, Senator Ron Johnson, Senator Cory Gardner, Senator Roger Wicker, Senator Ted Cruz, Senator Jerry Moran, Senator Dean Heller, Senator Mike Lee, Senator Shelley Moore Capito, Senator Todd Young

Cc: Senator Amy Klobuchar, Senator Brian Schatz, Senator Cory Booker, Senator Gary Peters, Senator Tammy Duckworth, Senator Catherine Cortez Masto, Senator Maria Cantwell, Senator Richard Blumenthal, Senator Ed Markey, Senator Tom Udall, Senator Tammy Baldwin, Senator Maggie Hassan

² Dourado, Eli and Hammond, Samuel, "Drop the Supersonic Aircraft Ban, Watch Business Boom," *Wall Street Journal*, June 13, 2016,

<https://www.wsj.com/articles/drop-the-supersonic-aircraft-ban-watch-business-boom-1465769638>.

³ Supersonic Transport Myths, *The Niskanen Center*, <https://SupersonicMyths.com>.