

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.**

**H. R. 1586**

To impose an additional tax on bonuses received from certain TARP recipients.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MCCAIN (for himself, Mr. REID, Mr. KYL, and Mr. ENSIGN) to the amendment (No. 3452) proposed by Mr. ROCKEFELLER

Viz:

- 1 At the end of title VII, add the following:
- 2 **SEC. 723. OVERFLIGHTS IN GRAND CANYON NATIONAL**
- 3 **PARK.**
- 4 (a) DETERMINATIONS WITH RESPECT TO SUBSTAN-
- 5 TIAL RESTORATION OF NATURAL QUIET AND EXPERI-
- 6 ENCE.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, for purposes of section 3(b)(1) of  
3 Public Law 100–91 (16 U.S.C. 1a–1 note), the sub-  
4 stantial restoration of the natural quiet and experi-  
5 ence of the Grand Canyon National Park (in this  
6 subsection referred to as the “Park”) shall be con-  
7 sidered to be achieved in the Park if, for at least 75  
8 percent of each day, 50 percent of the Park is free  
9 of sound produced by commercial air tour operations  
10 that have an allocation to conduct commercial air  
11 tours in the Park as of the date of the enactment  
12 of this Act.

13           (2) CONSIDERATIONS.—

14           (A) IN GENERAL.—For purposes of deter-  
15 mining whether substantial restoration of the  
16 natural quiet and experience of the Park has  
17 been achieved in accordance with paragraph  
18 (1), the Secretary of the Interior (in this sec-  
19 tion referred to as the “Secretary”) shall use—

20                   (i) the 2–zone system for the Park in  
21 effect on the date of the enactment of this  
22 Act to assess impacts relating to subsec-  
23 tional restoration of natural quiet at the  
24 Park, including—

1 (I) the thresholds for  
2 noticeability and audibility; and

3 (II) the distribution of land be-  
4 tween the 2 zones; and

5 (ii) noise modeling science that is—

6 (I) developed for use at the Park,  
7 specifically Integrated Noise Model  
8 Version 6.2;

9 (II) validated by reasonable  
10 standards for conducting field obser-  
11 vations of model results; and

12 (III) accepted and validated by  
13 the Federal Interagency Committee  
14 on Aviation Noise.

15 (B) SOUND FROM OTHER SOURCES.—The  
16 Secretary shall not consider sound produced by  
17 sources other than commercial air tour oper-  
18 ations, including sound emitted by other types  
19 of aircraft operations or other noise sources, for  
20 purposes of—

21 (i) making recommendations, devel-  
22 oping a final plan, or issuing regulations  
23 relating to commercial air tour operations  
24 in the Park; or



1 (i) at 6:00 p.m. on April 16 through  
2 August 31;

3 (ii) at 5:30 p.m. on September 1  
4 through September 15;

5 (iii) at 5:00 p.m. on September 16  
6 through September 30;

7 (iv) at 4:30 p.m. on October 1  
8 through October 31; and

9 (v) at 4:00 p.m. on November 1  
10 through April 15.

11 (B) TERMINATION OF CURFEW.—The cur-  
12 few shall terminate—

13 (i) at 8:00 a.m. on March 16 through  
14 October 15; and

15 (ii) at 9:00 a.m. on October 16  
16 through March 15.

17 (2) MODIFICATIONS OF AIR TOUR ROUTES.—

18 (A) DRAGON CORRIDOR.—Commercial air  
19 tour routes for the Dragon Corridor (Black 1A  
20 and Green 2 routes) shall be modified to in-  
21 clude a western “dogleg” for the lower  $\frac{1}{3}$  of the  
22 Corridor to reduce air tour noise for west rim  
23 visitors in the vicinity of Hermits Rest and  
24 Dripping Springs.

1 (B) ZUNI POINT CORRIDOR.—Commercial  
2 air tour routes for the Zuni Point Corridor  
3 (Black 1 and Green 1 routes) shall be modi-  
4 fied—

5 (i) to eliminate crossing over  
6 Nankoweap Basin; and

7 (ii) to limit the commercial air tour  
8 routes commonly known as “Snoopy’s  
9 Nose” to extend not farther east than the  
10 Grand Canyon National Park boundary.

11 (C) PERMANENCE OF BLACK 2 AND GREEN  
12 4 AIR TOUR ROUTES.—The locations of the  
13 Black 2 and Green 4 commercial air tour routes  
14 shall not be modified unless the Administrator  
15 of the Federal Aviation Administration deter-  
16 mines that such a modification is necessary for  
17 safety reasons.

18 (3) SPECIAL RULES FOR MARBLE CANYON SEC-  
19 TOR.—

20 (A) FLIGHT ALLOCATION.—The flight allo-  
21 cation cap for commercial air tour operations in  
22 Marble Canyon (Black 4 route) shall be modi-  
23 fied to not more than 5 flights a day to pre-  
24 serve permanently the high level of natural  
25 quiet that has been achieved in Marble Canyon.

1 (B) CURFEW.—Commercial air tour oper-  
2 ations in Marble Canyon (Black 4 route) shall  
3 be subject to a year-round curfew that enters  
4 into effect one hour before sunset and termi-  
5 nates one hour after sunrise.

6 (C) ELIMINATION OF COMMERCIAL AIR  
7 TOUR ROUTE.—The Black 5 commercial air  
8 tour route for Marble Canyon shall be elimi-  
9 nated.

10 (4) CONVERSION TO QUIET AIRCRAFT TECH-  
11 NOLOGY.—

12 (A) IN GENERAL.—All commercial air tour  
13 aircraft operating in the Grand Canyon Na-  
14 tional Park Special Flight Rules Area shall be  
15 required to fully convert to quiet aircraft tech-  
16 nology (as determined in accordance with ap-  
17 pendix A to subpart U of part 93 of title 14,  
18 Code of Federal Regulations (as in effect on the  
19 day before the date of the enactment of this  
20 Act)) by not later than the date that is 15  
21 years after the date of the enactment of this  
22 Act.

23 (B) INCENTIVES FOR CONVERSION.—The  
24 Secretary and the Administrator of the Federal  
25 Aviation Administration shall provide incentives

1 for commercial air tour operators that convert  
2 to quiet aircraft technology before the date  
3 specified in subparagraph (A), such as—

4 (i) reducing overflight fees for those  
5 operators; and

6 (ii) increasing the flight allocations  
7 for those operators.

8 (5) HUALAPAI ECONOMIC DEVELOPMENT EX-  
9 EMPTION.—The exception for commercial air tour  
10 operators operating under contracts with the  
11 Hualapai Indian Nation under section 93.319(f) of  
12 title 14, Code of Federal Regulations (as in effect on  
13 the day before the date of the enactment of this Act)  
14 may not be terminated, unless the Administrator of  
15 the Federal Aviation Administration determines that  
16 terminating the exception is necessary for safety rea-  
17 sons.

18 (c) FLIGHT ALLOCATION CAP.—

19 (1) PROHIBITION ON REDUCTION OF FLIGHT  
20 ALLOCATION CAP.—Notwithstanding any other pro-  
21 vision of law, the allocation cap for commercial air  
22 tours operating in the Grand Canyon National Park  
23 Special Flight Rules Area in effect on the day before  
24 the date of the enactment of this Act may not be re-  
25 duced.



1           (2) RULEMAKING TO INCREASE FLIGHT ALLO-  
2           CATION CAP.—Not later than 180 days after the  
3           date of the enactment of this Act, the Administrator  
4           of the Federal Aviation Administration shall issue a  
5           notice of proposed rulemaking that—

6                   (A) reassesses the allocations for commer-  
7                   cial air tours operating in the Grand Canyon  
8                   National Park Special Flight Rules Area in  
9                   light of gains with respect to the restoration of  
10                  natural quiet and experience in the Park;

11                  (B) makes equitable adjustments to those  
12                  allocations, subject to continued monitoring  
13                  under subsection (a)(3); and

14                  (C) facilitates the use of new quieter air-  
15                  craft technology by allowing commercial air  
16                  tour operators using such technology to petition  
17                  the Federal Aviation Administration to adjust  
18                  allocations in accordance with improvements  
19                  with respect to the restoration of natural quiet  
20                  and experience in the Park resulting from such  
21                  technology.

22           (3) INTERIM FLIGHT ALLOCATIONS.—

23                   (A) IN GENERAL.—Until the Administrator  
24                   issues a final rule pursuant to paragraph (2)  
25                   and subject to subparagraph (B), for purposes

1 of the allocation cap for commercial air tours  
2 operating in the Grand Canyon National Park  
3 Special Flight Rules Area—

4 (i) from November 1 through March  
5 15, a flight operated by a commercial air  
6 tour operator described in subparagraph  
7 (C) shall count as  $\frac{1}{2}$  of 1 allocation; and

8 (ii) from March 16 through October  
9 31, a flight operated by a commercial air  
10 tour operator described in subparagraph  
11 (C) shall count as  $\frac{3}{4}$  of 1 allocation.

12 (B) LIMITATION ON TOTAL OPERATIONS.—  
13 Not more than 364 flights may be operated on  
14 any day in the Grand Canyon National Park  
15 Special Flight Rules Area.

16 (C) COMMERCIAL AIR TOUR OPERATOR DE-  
17 SCRIBED.—A commercial air tour operator de-  
18 scribed in this subparagraph is a commercial  
19 air tour operator that—

20 (i) operated in the Grand Canyon Na-  
21 tional Park Special Flight Rules Area be-  
22 fore the date of the enactment of this Act;  
23 and

24 (ii) operates aircraft that use quiet  
25 aircraft technology (as determined in ac-

1 cordance with appendix A to subpart U of  
2 part 93 of title 14, Code of Federal Regu-  
3 lations (as in effect on the day before the  
4 date of the enactment of this Act)).

5 (d) AIR TOUR MANAGEMENT PLAN.—

6 (1) IN GENERAL.—The Secretary shall develop  
7 and maintain an air tour management plan for com-  
8 mercial air tours operating in the Grand Canyon  
9 National Park Special Flight Rules Area.

10 (2) COMMERCIAL AIR TOUR USER FEES.—Not-  
11 withstanding section 4(n)(2)(A) of the Land and  
12 Water Conservation Fund Act of 1965 (16 U.S.C.  
13 460l–6a(n)(1)(2)(A)), the Secretary—

14 (A) may establish a commercial tour use  
15 fee in excess of \$25 for each commercial air  
16 tour aircraft with a passenger capacity of 25 or  
17 less for air tours operating in the Grand Can-  
18 yon National Park Special Flight Rules Area to  
19 cover the cost of developing and maintaining  
20 the air tour management plan required by para-  
21 graph (1); and

22 (B) shall develop a method for providing a  
23 discount in the amount of the commercial tour  
24 use fee established under subparagraph (A) for  
25 air tours that operate aircraft that use quiet

1 aircraft technology (as determined in accord-  
2 ance with appendix A to subpart U of part 93  
3 of title 14, Code of Federal Regulations (as in  
4 effect on the day before the date of the enact-  
5 ment of this Act)).