

110TH CONGRESS
2D SESSION

H. R. 5788

To amend title 49, United States Code, to establish prohibitions against voice communications using a mobile communications device on commercial airline flights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Mr. DEFAZIO (for himself, Mr. COSTELLO, Mr. PETRI, Mr. DUNCAN, Mr. OBERSTAR, Mr. LIPINSKI, Mr. FILNER, Mr. COHEN, Mr. BOOZMAN, Mr. CAPUANO, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish prohibitions against voice communications using a mobile communications device on commercial airline flights, 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 “Halting Airplane Noise
5 to Give Us Peace Act of 2008”.

1 **SEC. 2. PROHIBITIONS AGAINST VOICE COMMUNICATIONS**
2 **USING MOBILE COMMUNICATIONS DEVICES**
3 **ON SCHEDULED FLIGHTS.**

4 (a) IN GENERAL.—Subchapter I of chapter 417 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 41724. Prohibitions against voice communications**
8 **using mobile communications devices on**
9 **scheduled flights**

10 “(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-
11 TATION.—

12 “(1) IN GENERAL.—An individual may not en-
13 gage in voice communications using a mobile com-
14 munications device in an aircraft during a flight in
15 scheduled passenger interstate air transportation or
16 scheduled passenger intrastate air transportation.

17 “(2) FLIGHT CREW AND FLIGHT ATTEND-
18 ANTS.—The prohibition described in paragraph (1)
19 shall not apply to a member of the flight crew or
20 flight attendants on an aircraft.

21 “(b) FOREIGN AIR TRANSPORTATION.—

22 “(1) IN GENERAL.—The Secretary of Transpor-
23 tation shall require all air carriers and foreign air
24 carriers to adopt the prohibition described in sub-
25 section (a) with respect to the operation of an air-

1 craft in scheduled passenger foreign air transpor-
2 tation.

3 “(2) ALTERNATE PROHIBITION.—If a foreign
4 government objects to the application of paragraph
5 (1) on the basis that paragraph (1) provides for an
6 extraterritorial application of the laws of the United
7 States, the Secretary shall waive the application of
8 paragraph (1) to a foreign air carrier licensed by
9 that foreign government at such time as an alter-
10 native prohibition on voice communications using a
11 mobile communications device during flight is nego-
12 tiated by the Secretary with such foreign govern-
13 ment through bilateral negotiations.

14 “(c) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) FLIGHT.—The term ‘flight’ means the pe-
17 riod beginning when an aircraft takes off and ending
18 when an aircraft lands.

19 “(2) VOICE COMMUNICATIONS USING A MOBILE
20 COMMUNICATIONS DEVICE.—

21 “(A) INCLUSIONS.—The term ‘voice com-
22 munications using a mobile communications de-
23 vice’ includes voice communications using—

24 “(i) a commercial mobile radio service
25 or other wireless communications device;

1 “(ii) a broadband wireless device or
2 other wireless device that transmits data
3 packets using the Internet Protocol or
4 comparable technical standard; or

5 “(iii) a device having voice override
6 capability.

7 “(B) EXCLUSION.—Such term does not in-
8 clude voice communications using a phone in-
9 stalled on an aircraft.

10 “(d) SAFETY REGULATIONS.—This section shall not
11 be construed to affect the authority of the Secretary to
12 impose limitations on voice communications using a mobile
13 communications device for safety reasons.

14 “(e) REGULATIONS.—The Secretary shall prescribe
15 such regulations as are necessary to carry out this sec-
16 tion.”.

17 (b) CLERICAL AMENDMENT.—The analysis for such
18 subchapter is amended by adding at the end the following:

“Sec. 41724. Prohibitions against voice communications using mobile commu-
nications devices on scheduled flights.”.

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