

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5788  
OFFERED BY MR. COSTELLO OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Halting Airplane Noise  
3 to Give Us Peace Act of 2008”.

4 **SEC. 2. PROHIBITIONS AGAINST VOICE COMMUNICATIONS**  
5                   **USING MOBILE COMMUNICATIONS DEVICES**  
6                   **ON SCHEDULED FLIGHTS.**

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

10 **“§ 41724. Prohibitions against voice communications**  
11                   **using mobile communications devices on**  
12                   **scheduled flights**

13       “(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-  
14 TATION.—

15               “(1) IN GENERAL.—An individual may not en-  
16       gage in voice communications using a mobile com-  
17       munications device in an aircraft during a flight in

1 scheduled passenger interstate air transportation or  
2 scheduled passenger intrastate air transportation.

3 “(2) EXCEPTIONS.—The prohibition described  
4 in paragraph (1) shall not apply to—

5 “(A) a member of the flight crew or flight  
6 attendants on an aircraft; or

7 “(B) a Federal law enforcement officer  
8 acting in an official capacity.

9 “(b) FOREIGN AIR TRANSPORTATION.—

10 “(1) IN GENERAL.—The Secretary of Transpor-  
11 tation shall require all air carriers and foreign air  
12 carriers to adopt the prohibition described in sub-  
13 section (a) with respect to the operation of an air-  
14 craft in scheduled passenger foreign air transpor-  
15 tation.

16 “(2) ALTERNATE PROHIBITION.—If a foreign  
17 government objects to the application of paragraph  
18 (1) on the basis that paragraph (1) provides for an  
19 extraterritorial application of the laws of the United  
20 States, the Secretary may waive the application of  
21 paragraph (1) to a foreign air carrier licensed by  
22 that foreign government until such time as an alter-  
23 native prohibition on voice communications using a  
24 mobile communications device during flight is nego-

1        tiated by the Secretary with such foreign govern-  
2        ment through bilateral negotiations.

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

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

8               “(2) VOICE COMMUNICATIONS USING A MOBILE  
9        COMMUNICATIONS DEVICE.—

10               “(A) INCLUSIONS.—The term ‘voice com-  
11        munications using a mobile communications de-  
12        vice’ includes voice communications using—

13                       “(i) a commercial mobile radio service  
14                       or other wireless communications device;

15                       “(ii) a broadband wireless device or  
16                       other wireless device that transmits data  
17                       packets using the Internet Protocol or  
18                       comparable technical standard; or

19                       “(iii) a device having voice override  
20                       capability.

21               “(B) EXCLUSION.—Such term does not in-  
22        clude voice communications using a phone in-  
23        stalled on an aircraft.

24        “(d) SAFETY REGULATIONS.—This section shall not  
25        be construed to affect the authority of the Secretary to

1 impose limitations on voice communications using a mobile  
2 communications device for safety reasons.

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

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

“41724. Prohibitions against voice communications using mobile communica-  
tions devices on scheduled flights.”.

