

118TH CONGRESS
1ST SESSION

H. R. 6562

To provide for a nighttime airport access restriction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2023

Mr. PANETTA (for himself, Mr. CÁRDENAS, Ms. ESHOO, Mr. MULLIN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for a nighttime airport access restriction, 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 “Restore Everyone’s
5 Sleep Tonight Act of 2023” or the “REST Act of 2023”.

6 **SEC. 2. AIRPORT ACCESS RESTRICTION.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law and except as provided in subsection (b), an
9 airport may impose an access restriction between the
10 hours of 10 p.m. and 7 a.m. for aircrafts.

1 (b) ACCOMMODATIONS FOR CERTAIN FLIGHTS.—

2 (1) TYPES OF FLIGHTS.—In imposing an access
3 restriction under subsection (a), an airport shall per-
4 mit, within the hours of such access restriction, the
5 operation of military, law enforcement, and Coast
6 Guard flights.

7 (2) EXCEPTIONAL CIRCUMSTANCES.—In impos-
8 ing an access restriction under subsection (a), an
9 airport may not prohibit access for—

10 (A) a flight that is scheduled to arrive or
11 depart during hours not covered by the access
12 restriction imposed under subsection (a) and
13 which arrives or departs during such access re-
14 striction due solely to weather or the safe oper-
15 ation of the aircraft, including compliance with
16 any safety-related requirements;

17 (B) emergency flights;

18 (C) flights to evacuate natural disasters;

19 and

20 (D) flights for the purpose of the preserva-
21 tion of life, health, or safety.

22 (c) PENALTIES.—

23 (1) IN GENERAL.—An airport may impose a
24 noise deterrence penalty on an air carrier or aircraft

1 operator for a violation of the access restriction im-
2 posed under subsection (a).

3 (2) AMOUNT OF PENALTY.—An airport apply-
4 ing penalties under this subsection shall set a base
5 level for a noise deterrence penalty under paragraph
6 (1) at an amount sufficient to deter future violations
7 of the access restriction imposed under subsection
8 (a).

9 (3) INCREASE IN PENALTY.—The airport apply-
10 ing penalties under this subsection may increase a
11 penalty for a violation of the access restriction im-
12 posed under subsection (a) above the base amount
13 set under paragraph (2) if an aircraft takeoff or
14 landing resulted in noise to residents of any unit of
15 local government exceeding 80 dBA, as evidenced by
16 a noise monitoring device recognized as authoritative
17 by the airport.

18 (4) CONSIDERATIONS FOR A PENALTY IN-
19 CREASE.—In determining whether to increase the
20 penalty above the base amount set under paragraph
21 (2), an airport may consider the following:

22 (A) The certified noise level and engine
23 model of the aircraft.

24 (B) The time of violation.

1 (C) Repeat violations by the air carrier or
2 aircraft operator.

3 (D) Any other criteria that the airport de-
4 termines reflects the noise impacts to residents
5 of the unit of local government impacted by the
6 violation of subsection (a).

7 (5) USE OF PENALTY.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (C), penalties collected for a vio-
10 lation of the access restriction imposed under
11 subsection (a) shall be remitted to the unit of
12 local government that experienced the impact of
13 the noise deterrence violation.

14 (B) MULTIPLE UNITS OF LOCAL GOVERN-
15 MENT.—If multiple units of local government
16 are impacted by a violation of the access re-
17 striction imposed under subsection (a), an air-
18 port shall remit the penalty to the jurisdictions
19 impacted in equal parts.

20 (C) ADMINISTRATIVE COSTS.—An airport
21 may deduct reasonable costs of administering a
22 noise deterrence penalty from a penalty col-
23 lected under this paragraph before remitting
24 the penalty under subparagraphs (A) and (B).

1 (d) LIMITATION.—With respect to any action taken
2 in carrying out this section, the airport is not required
3 to seek the approval or comment of the Federal Aviation
4 Administration or the Secretary of Transportation, any air
5 carrier or aircraft operator or any other entity.

6 (e) DEFINITION OF WEATHER.—In this section, the
7 term “weather” is defined as the state of the atmosphere
8 at a location or along a route over the short-term.

9 (f) DEFINITION OF ACCESS RESTRICTION.—For pur-
10 poses of this Act, an access restriction is a prohibition on
11 the landing or takeoff of aircraft.

○