

(B) is provided in connection with an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance). (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------|--|
| 46315(a) | 49 App.:1303 (note). | Nov. 18, 1988, Pub. L. 100-690, §7214, 102 Stat. 4434. |
| 46315(b) | 49 App.:1472(q). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(q); added Oct. 19, 1984, Pub. L. 98-499, §5(a), 98 Stat. 2315; restated Oct. 27, 1986, Pub. L. 99-570, §3401(b)(1), 100 Stat. 3207-100; Nov. 18, 1988, Pub. L. 100-690, §7209(c)(1), (2)(A), 102 Stat. 4432. |

In subsection (b), before clause (1), the words “fined under title 18” are substituted for “a fine not exceeding \$25,000” for consistency with title 18. In clause (2), the word “knowingly” is substituted for “and with knowledge of such act” to eliminate unnecessary words.

§ 46316. General criminal penalty when specific penalty not provided

(a) CRIMINAL PENALTY.—Except as provided by subsection (b) of this section, when another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part, or any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title shall be fined under title 18. A separate violation occurs for each day the violation continues.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), chapter 445, chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1240; Pub. L. 104-287, §5(79), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105-102, §3(d)(1)(D), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------|--|
| 46316 | 49 App.:1472(a). | Aug. 23, 1958, Pub. L. 85-726, §902(a), 72 Stat. 784; restated July 10, 1962, Pub. L. 87-528, §13, 76 Stat. 150. |
| | 49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. |

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|---|
| | 49 App.:1655(c)(1). | Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444. |

In subsection (a), the word “prescribed” is added for consistency in the revised title. The words “condition, or limitation of” are omitted as surplus. The word “Administrator” in section 902(a) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g). The words “or in section 1474 of this Appendix” are omitted as surplus because 49 App.:1474 is not included in the revised title. The words “shall be deemed guilty of a misdemeanor” are omitted for consistency with title 18. The words “and upon conviction thereof” are omitted as surplus. The words “shall be fined under title 18” are substituted for “shall be subject for the first offense to a fine of not more than \$500, and for any subsequent offense to a fine of not more than \$2,000” for consistency with title 18.

In subsection (b), reference to 49 App.:ch. 20, subch. VII is omitted as unnecessary because subchapter VII is not restated in this part.

PUB. L. 104-287

This amends 49:46316(b) to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71 inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.

1997—Subsec. (b). Pub. L. 105-102 amended directory language of Pub. L. 104-287. See 1996 Amendment note below.

1996—Subsec. (b). Pub. L. 104-287, as amended by Pub. L. 105-102, substituted “chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)” for “and sections 44701(a) and (b), 44702-44716, 44901, 44903(b) and (c), 44905, 44906, 44912-44915, and 44932-44938”.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, §3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(D) is effective Oct. 11, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46317. Criminal penalty for pilots operating in air transportation without an airman’s certificate

(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned

for not more than 3 years, or both, if that individual—

(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term “controlled substance” has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.

(Added Pub. L. 106-181, title V, §509(a), Apr. 5, 2000, 114 Stat. 141.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46318. Interference with cabin or flight crew

(a) GENERAL RULE.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$25,000.

(b) COMPROMISE AND SETOFF.—

(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

(Added Pub. L. 106-181, title V, §511(a), Apr. 5, 2000, 114 Stat. 142.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 46319. Permanent closure of an airport without providing sufficient notice

(a) PROHIBITION.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of \$10,000 for each day that the airport remains closed without having given the notice required by this section.

(Added Pub. L. 108-176, title I, §185(a), Dec. 12, 2003, 117 Stat. 2517.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

CHAPTER 465—SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

| | |
|-------------|---|
| Sec. 46501. | Definitions. |
| 46502. | Aircraft piracy. |
| 46503. | Interference with security screening personnel. |
| 46503. | Repealed. ¹ |
| 46504. | Interference with flight crew members and attendants. |
| 46505. | Carrying a weapon or explosive on an aircraft. |
| 46506. | Application of certain criminal laws to acts on aircraft. |
| 46507. | False information and threats. |

AMENDMENTS

2001—Pub. L. 107-71, title I, §114(b), Nov. 19, 2001, 115 Stat. 623, added item 46503 “Interference with security screening personnel”.

1994—Pub. L. 103-322, title VI, §60003(b)(1), Sept. 13, 1994, 108 Stat. 1970, substituted “Repealed” for “Death penalty sentencing procedure for aircraft piracy” in item 46503.

§ 46501. Definitions

In this chapter—

(1) “aircraft in flight” means an aircraft from the moment all external doors are closed following boarding—

(A) through the moment when one external door is opened to allow passengers to leave the aircraft; or

(B) until, if a forced landing, competent authorities take over responsibility for the

¹ So in original. This item probably should not appear.