

112TH CONGRESS
1ST SESSION

S. 1974

To amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2011

Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mrs. GILLIBRAND) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

To amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, 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 cited as the “Ultralight Aircraft Smug-
5 gling Prevention Act of 2011”.

1 **SEC. 2. CLARIFICATION OF DEFINITION OF AIRCRAFT AND**
 2 **OFFENSES UNDER AVIATION SMUGGLING**
 3 **PROVISIONS OF THE TARIFF ACT OF 1930.**

4 (a) **IN GENERAL.**—Section 590 of the Tariff Act of
 5 1930 (19 U.S.C. 1590) is amended—

6 (1) by redesignating subsection (g) as sub-
 7 section (h); and

8 (2) by inserting after subsection (f) the fol-
 9 lowing:

10 “(g) **DEFINITION OF AIRCRAFT.**—In this section, the
 11 term ‘aircraft’—

12 “(1) has the meaning given that term in section
 13 40102 of title 49, United States Code; and

14 “(2) includes a vehicle described in section
 15 103.1 of title 14, Code of Federal Regulations.”.

16 (b) **CRIMINAL PENALTIES.**—Subsection (d) of section
 17 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is
 18 amended in the matter preceding paragraph (1) by insert-
 19 ing “, or attempts or conspires to commit,” after “com-
 20 mits”.

21 (c) **EFFECTIVE DATE.**—The amendments made by
 22 this section apply with respect to violations of any provi-
 23 sion of section 590 of the Tariff Act of 1930 on or after
 24 the 30th day after the date of the enactment of this Act.

1 **SEC. 3. INTERAGENCY COLLABORATION.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The Department of Defense has worked col-
5 laboratively with the Department of Homeland Secu-
6 rity to identify equipment, technology, and expertise
7 used by the Department of Defense that could be le-
8 veraged by the Department of Homeland Security to
9 help fulfill its missions.

10 (2) As part of that collaborative effort, the De-
11 partment of Homeland Security has leveraged De-
12 partment of Defense equipment, technology, and ex-
13 pertise to enhance the ability of U.S. Customs and
14 Border Protection to detect, track, and engage illicit
15 trafficking across the international borders between
16 the United States and Mexico and the United States
17 and Canada.

18 (3) Leveraging Department of Defense equip-
19 ment, technology, and expertise is a cost-effective
20 inter-agency approach to enhancing the effectiveness
21 of the Department of Homeland Security to protect
22 the United States against a variety of threats and
23 risks.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Secretary of Defense should—

1 (1) continue the broad program of cooperation
2 and collaboration with the Secretary of Homeland
3 Security described in subsection (a); and

4 (2) ensure that the Department of Homeland
5 Security is able to identify equipment and tech-
6 nology used by the Department of Defense that
7 could also be used by U.S. Customs and Border Pro-
8 tection to enhance its efforts to combat illicit traf-
9 ficking across the international borders between the
10 United States and Mexico and the United States
11 and Canada, including equipment and technology
12 that could be used to detect and track the illicit use
13 of ultralight aircraft.

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