

106TH CONGRESS
2D SESSION

H. R. 3862

To amend title 18, United States Code, to prevent certain frauds involving aircraft or space vehicle parts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mr. McCOLLUM introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent certain frauds involving aircraft or space vehicle parts, 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 “Aircraft Safety Act
5 of 2000”.

1 **SEC. 2. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR**
2 **SPACE VEHICLE PARTS IN INTERSTATE OR**
3 **FOREIGN COMMERCE.**

4 (a) DEFINITIONS.—Section 31 of title 18, United
5 States Code, is amended by striking all after the section
6 heading and inserting the following:

7 “(a) As used in this chapter—

8 “(1) the term ‘aircraft’ means a civil, military,
9 or public contrivance invented, used, or designed to
10 navigate, fly, or travel in the air;

11 “(2) the term ‘aviation quality’, with respect to
12 a part of an aircraft or space vehicle, means the
13 quality of having been manufactured, constructed,
14 produced, maintained, repaired, overhauled, rebuilt,
15 reconditioned, or restored in conformity with appli-
16 cable standards specified by law (including applica-
17 ble regulations);

18 “(3) the term ‘destructive substance’ means an
19 explosive substance, flammable material, infernal
20 machine, or other chemical, mechanical, or radio-
21 active device or matter of a combustible, contamina-
22 tive, corrosive, or explosive nature;

23 “(4) the term ‘in flight’ means—

24 “(A) any time from the moment at which
25 all the external doors of an aircraft are closed
26 following embarkation until the moment when

1 any such door is opened for disembarkation;
2 and

3 “(B) in the case of a forced landing, until
4 competent authorities take over the responsi-
5 bility for the aircraft and the persons and prop-
6 erty on board;

7 “(5) the term ‘in service’ means—

8 “(A) any time from the beginning of pre-
9 flight preparation of an aircraft by ground per-
10 sonnel or by the crew for a specific flight until
11 24 hours after any landing; and

12 “(B) in any event includes the entire pe-
13 riod during which the aircraft is in flight;

14 “(6) the term ‘motor vehicle’ means every de-
15 scription of carriage or other contrivance propelled
16 or drawn by mechanical power and used for commer-
17 cial purposes on the highways in the transportation
18 of passengers, passengers and property, or property
19 or cargo;

20 “(7) the term ‘part’ means a frame, assembly,
21 component, appliance, engine, propeller, material,
22 part, spare part, piece, section, or related integral or
23 auxiliary equipment;

1 “(8) the term ‘space vehicle’ means a man-
2 made device, either manned or unmanned, designed
3 for operation beyond the Earth’s atmosphere;

4 “(9) the term ‘State’ means a State of the
5 United States, the District of Columbia, and any
6 commonwealth, territory, or possession of the United
7 States; and

8 “(10) the term ‘used for commercial purposes’
9 means the carriage of persons or property for any
10 fare, fee, rate, charge or other consideration, or di-
11 rectly or indirectly in connection with any business,
12 or other undertaking intended for profit.

13 “(b) In this chapter, the terms ‘aircraft engine’, ‘air
14 navigation facility’, ‘appliance’, ‘civil aircraft’, ‘foreign air
15 commerce’, ‘interstate air commerce’, ‘landing area’, ‘over-
16 seas air commerce’, ‘propeller’, ‘spare part’, and ‘special
17 aircraft jurisdiction of the United States’ have the mean-
18 ings given those terms in sections 40102(a) and 46501
19 of title 49.”.

20 (b) AIRCRAFT OR SPACE VEHICLE PARTS FRAUD.—

21 (1) IN GENERAL.—Chapter 2 of title 18, United
22 States Code, is amended by adding at the end the
23 following:

1 **“§ 38. Fraud involving aircraft or space vehicle parts**
2 **in interstate or foreign commerce**

3 “(a) Whoever, in or affecting interstate or foreign
4 commerce, knowingly and with the intent to defraud—

5 “(1)(A) falsifies or conceals a material fact;

6 “(B) makes any materially fraudulent represen-
7 tation; or

8 “(C) makes or uses any materially false writing,
9 entry, certification, document, record, data plate,
10 label, or electronic communication;
11 concerning any aircraft or space vehicle part;

12 “(2) exports from or imports or introduces into
13 the United States, sells, trades, installs on or in any
14 aircraft or space vehicle any aircraft or space vehicle
15 part using or by means of a fraudulent representa-
16 tion, document, record, certification, depiction, data
17 plate, label, or electronic communication; or

18 “(3) attempts or conspires to commit an offense
19 described in paragraph (1) or (2);

20 shall be punished as provided in subsection (b).

21 “(b) The punishment for an offense under subsection
22 (a) is as follows:

23 “(1) If the offense relates to the aviation qual-
24 ity of a part and the part is installed in an aircraft
25 or space vehicle, a fine of not more than \$500,000,
26 imprisonment for not more than 10 years, or both.

1 “(2) If, by reason of the failure of the part to
2 operate as represented, the part to which the offense
3 is related is the proximate cause of a malfunction or
4 failure that results in serious bodily injury (as de-
5 fined in section 1365), a fine of not more than
6 \$1,000,000, imprisonment for not more than 20
7 years, or both.

8 “(3) If, by reason of the failure of the part to
9 operate as represented, the part to which the offense
10 is related is the proximate cause of a malfunction or
11 failure that results in the death of any person, a fine
12 of not more than \$1,000,000, imprisonment for any
13 term of years or life, or both.

14 “(4) In the case of an offense under subsection
15 (a) not described in paragraph (1), (2), or (3), a fine
16 under this title, imprisonment for not more than 5
17 years, or both.

18 “(5) If the offense is committed by an organiza-
19 tion, a fine of not more than—

20 “(A) \$10,000,000 in the case of an offense
21 described in paragraph (1) or (4); and

22 “(B) \$20,000,000 in the case of an offense
23 described under paragraph (2) or (3).

1 “(c)(1) The district courts of the United States shall
2 have jurisdiction to prevent and restrain violations of this
3 section by issuing appropriate orders, including—

4 “(A) ordering a person (convicted of an offense
5 under this section) to divest any interest, direct or
6 indirect, in any enterprise used to commit or facili-
7 tate the commission of the offense, or to destroy, or
8 to mutilate and sell as scrap, aircraft material or
9 part inventories or stocks;

10 “(B) imposing reasonable restrictions on the fu-
11 ture activities or investments of any such person, in-
12 cluding prohibiting engagement in the same type of
13 endeavor as used to commit the offense; and

14 “(C) ordering the dissolution or reorganization
15 of any enterprise knowingly used to commit or facili-
16 tate the commission of an offense under this section
17 making due provisions for the rights and interests of
18 innocent persons.

19 “(2) Pending final determination of a proceeding
20 brought under this section, the court may enter such re-
21 straining orders or prohibitions, or take such other actions
22 (including the acceptance of satisfactory performance
23 bonds) as the court deems proper.

24 “(3) A final judgment rendered in favor of the United
25 States in any criminal proceeding brought under this sec-

1 tion shall stop the defendant from denying the essential
2 allegations of the criminal offense in any subsequent civil
3 proceeding brought by the United States.

4 “(d)(1) The court, in imposing sentence on any per-
5 son convicted of an offense under this section, shall order,
6 in addition to any other sentence and irrespective of any
7 provision of State law, that the person forfeit to the
8 United States—

9 “(A) any property constituting, or derived from,
10 any proceeds that the person obtained, directly or
11 indirectly, as a result of the offense; and

12 “(B) any of the person’s property used, or in-
13 tended to be used in any manner, to commit or fa-
14 cilitate the commission of the offense, if the court in
15 its discretion so determines, taking into consider-
16 ation the nature, scope, and proportionality of the
17 use of the property in the offense.

18 “(2) The forfeiture of property under this section, in-
19 cluding any seizure and disposition of the property, and
20 any proceedings relating to the property, shall be governed
21 by section 413 of the Comprehensive Drug Abuse and Pre-
22 vention Act of 1970 (21 U.S.C. 853) except subsection
23 (d) of that section.

24 “(e) This section does not preempt or displace any
25 other remedy, civil or criminal, provided by Federal or

1 State law for the fraudulent importation, sale, trade, in-
2 stallation, or introduction into commerce of an aircraft or
3 space vehicle part.

4 “(f) This section also applies to conduct occurring
5 outside the United States if—

6 “(1) the offender is a natural person who is a
7 citizen or permanent resident alien of the United
8 States, or an organization organized under the laws
9 of the United States or political subdivision thereof;

10 “(2) the aircraft or spacecraft part as to which
11 the violation relates was installed in an aircraft or
12 space vehicle owned or operated at the time of the
13 offense by a citizen or permanent resident alien of
14 the United States, or by an organization organized
15 under the laws of the United States or a State polit-
16 ical subdivision thereof; or

17 “(3) an act in furtherance of the offense was
18 committed in the United States.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 2 of title 18,
21 United States Code, is amended by adding at the
22 end the following new item:

“38. Fraud involving aircraft or space vehicle parts in interstate or foreign com-
merce.”.

23 (3) WIRETAPPING PREDICATE.—Section
24 2516(1)(c) of title 18, United States Code, is

1 amended by inserting “section 38 (relating to air-
2 craft parts fraud),” after “section 32 (relating to de-
3 struction of aircraft or aircraft facilities),”.

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