

a memorandum of understanding to establish procedures to carry out this subsection.

(e) RELATIONSHIP TO STATE LAWS.—This part does not prevent a State from establishing a criminal penalty, including providing for forfeiture and seizure of aircraft, for a person that—

(1) knowingly and willfully forges or alters an aircraft certificate of registration;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, a fraudulent aircraft certificate of registration;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft; or

(4) obtains an aircraft certificate of registration from the Administrator of the Federal Aviation Administration by—

(A) knowingly and willfully falsifying or concealing a material fact;

(B) making a false, fictitious, or fraudulent statement; or

(C) making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 104-287, §5(78), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 114-125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46306(a) .....	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100-690, §7214, 102 Stat. 4434.
46306(b) .....	49 App.:1472(b)(1), (2) (1st sentence cl. (A)).	Aug. 23, 1958, Pub. L. 85-726, §902(b)(1)-(4), 72 Stat. 784; Oct. 19, 1984, Pub. L. 98-499, §6, 98 Stat. 2316; re-stated Nov. 18, 1988, Pub. L. 100-690, §7209(a), 102 Stat. 4429.
46306(c)(1) ..	49 App.:1472(b)(4).	
46306(c)(2) ..	49 App.:1472(b)(2) (1st sentence cl. (B)).	
46306(c)(3) ..	49 App.:1472(b)(2) (last sentence).	
46306(d) .....	49 App.:1472(b)(3).	
46306(e) .....	49 App.:1472(b)(5).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(b)(5); added Oct. 27, 1986, Pub. L. 99-570, §3401(a)(1), 100 Stat. 3207-99; Nov. 18, 1988, Pub. L. 100-690, §7209(a), (b)(1), 102 Stat. 4429, 4432.

In subsections (b)(9), (d), and (e), the word “Administrator” in section 902(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g).

In subsection (b), before clause (1), the words “Except as provided by subsection (c) of this section” are added for clarity. The words “It shall be unlawful for any person” and “upon conviction” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$15,000” for consistency with title 18. In clause (1), the words “counterfeit” and “falsely make” are omitted as surplus. In clause (4), the words “covering up”, “representation”, and “writing” are omitted as surplus. In clause (7), the word “valid” is omitted as surplus.

In subsection (c)(2), before clause (A), the words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18.

In subsection (d)(1) and (3), the words “Administrator of Drug Enforcement” are substituted for “Drug Enforcement Administration of the Department of Justice” and “Drug Enforcement Administration” because

of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words “Commissioner of Customs” and “Commissioner” are substituted for “United States Customs Service” because of 19:2071.

In subsection (d)(2)(A), the words “aircraft certificate of registration” are substituted for “registration” for consistency in this section. The words “counterfeited” and “falsely made” are omitted as surplus.

In subsections (d)(2)(C)(ii) and (e), the words “aircraft certificate of registration” are substituted for “aircraft registration certificate” for consistency with 49 App.:1401, restated in chapter 41 of the revised title.

In subsection (e), before clause (1), the words “this subsection or in any other provision of” are omitted as surplus. In clause (1), the words “counterfeits” and “falsely makes” are omitted as surplus. In clause (4)(A), the words “covering up” are omitted as surplus. In clause (4)(B), the words “or representation” are omitted as surplus. In clause (4)(C), the words “writing or” are omitted as surplus.

PUB. L. 104-287

This makes a clarifying amendment to 49:46306(c)(2)(B).

AMENDMENTS

1996—Subsec. (c)(2)(B). Pub. L. 104-287 inserted “that is” before “provided”.

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (d)(1) on authority of section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

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 United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 46307. Violation of national defense airspace

A person that knowingly or willfully violates section 40103(b)(3) of this title or a regulation prescribed or order issued under section 40103(b)(3) shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1237.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46307 .....	49 App.:1523.	Aug. 23, 1958, Pub. L. 85-726, §1203, 72 Stat. 800.

The words “In addition to the penalties otherwise provided for by this chapter” are omitted as surplus. The word “prescribed” is added for consistency in the

revised title. The words “fined under title 18” are substituted for “a fine of not exceeding \$10,000”, and the words “shall be deemed guilty of a misdemeanor” are omitted, for consistency with title 18. The words “and upon conviction thereof” and “such fine and imprisonment” are omitted as surplus.

**§ 46308. Interference with air navigation**

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) with intent to interfere with air navigation in the United States, exhibits in the United States a light or signal at a place or in a way likely to be mistaken for a true light or signal established under this part or for a true light or signal used at an air navigation facility;

(2) after a warning from the Administrator of the Federal Aviation Administration, continues to maintain a misleading light or signal; or

(3) knowingly interferes with the operation of a true light or signal.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46308 .....	49 App.:1472(c). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(c), 72 Stat. 784. 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 this section, before clause (1), the words “fined under title 18” are substituted for “a fine of not exceeding \$5,000” for consistency with title 18. The words “such fine and imprisonment” are omitted as surplus. In clause (1), the words “used at” are substituted for “in connection with” for clarity. The words “airport or other” are omitted as being included in the definition of “air navigation facility” in section 40102(a) of the revised title. In clause (2), the word “due” is omitted as surplus. The word “Administrator” in section 902(c) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 784) is retained on authority of 49:106(g). In clause (3), the words “removes, extinguishes, or” are omitted as surplus.

**§ 46309. Concession and price violations**

(a) CRIMINAL PENALTY FOR OFFERING, GRANTING, GIVING, OR HELPING TO OBTAIN CONCESSIONS AND LOWER PRICES.—An air carrier, foreign air carrier, ticket agent, or officer, agent, or employee of an air carrier, foreign air carrier, or ticket agent shall be fined under title 18 if the air carrier, foreign air carrier, ticket agent, officer, agent, or employee—

(1) knowingly and willfully offers, grants, or gives, or causes to be offered, granted, or given, a rebate or other concession in violation of this part; or

(2) by any means knowingly and willfully assists, or willingly allows, a person to obtain transportation or services subject to this part at less than the price lawfully in effect.

(b) CRIMINAL PENALTY FOR RECEIVING REBATES, PRIVILEGES, AND FACILITIES.—A person shall be fined under title 18 if the person by any means—

(1) knowingly and willfully solicits, accepts, or receives a rebate of a part of a price law-

fully in effect for the foreign air transportation of property, or a service related to the foreign air transportation; or

(2) knowingly solicits, accepts, or receives a privilege or facility related to a matter the Secretary of Transportation requires be specified in a currently effective tariff applicable to the foreign air transportation of property.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46309(a) .....	49 App.:1472(d)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(d)(1), 72 Stat. 785; Jan. 3, 1975, Pub. L. 93-623, §8(b), 88 Stat. 2105.
46309(b) .....	49 App.:1472(d)(2).  49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(d)(2); added Jan. 3, 1975, Pub. L. 93-623, §8(b), 88 Stat. 2106. 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.

In this section, the words “fined under title 18” are substituted for “a fine of not less than \$100 and not more than \$5,000” and “fined not less than \$100, nor more than \$5,000” for consistency with title 18. The words “for each offense” are omitted as surplus. The words “fares, or charges” are omitted as surplus because of the definition of “rate” in section 40102(a) of the revised title.

In subsection (a), before clause (1), the word “representative” is omitted as surplus. The words “shall be deemed guilty of a misdemeanor” are omitted as superseded by 18:3559. The words “and, upon conviction thereof” are omitted as surplus. In clause (2), the words “device or” and “suffer or” are omitted as surplus.

In subsection (b), before clause (1), the words “by any means” are substituted for “in any manner or by any device” for consistency in this section and to eliminate unnecessary words. In clauses (1) and (2), the word “foreign” is added for clarity because only foreign air transportation has regulated prices. In clause (1), the word “rebate” is substituted for “refund or remittance” for consistency in this section. In clause (2), the word “favor” is omitted as being included in “privilege”.

**§ 46310. Reporting and recordkeeping violations**

(a) GENERAL CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18 for intentionally—

(1) failing to make a report or keep a record under this part;

(2) falsifying, mutilating, or altering a report or record under this part; or

(3) filing a false report or record under this part.

(b) SAFETY REGULATION CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18, imprisoned for not more than 5 years, or both, for intentionally falsifying or concealing a material fact, or inducing reliance on a false statement of material fact, in a report or record under section 44701(a) or (b) or any of sections 44702-44716 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1238; Pub. L. 103-429, §6(56), Oct. 31, 1994, 108 Stat. 4385.)