



Legislative Bulletin.....January 25, 2012

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H.R. 3801 - To include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act

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(Giffords, D-AZ)**

Order of Business: The legislation is scheduled to be considered on Wednesday, January 25, 2011, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3801 amends the Tariff Act (19 U.S.C. 1590) and clarifies that the term aircraft includes ultralight aircraft, as defined by the Secretary of Homeland Security and the Administrator of the Federal Aviation Administration.

Additional Information: Under current law, ultralight aircraft are not defined as aircraft by the FAA, and therefore are not subject to the same penalties that come about from smuggling drugs across the border. This legislation could close this loophole and allow law enforcement to prosecute these crimes. If enacted, this legislation would allow individuals caught smuggling with ultralights to be prosecuted for using the aircraft in addition to being prosecuted for the drugs in their possession. When they are convicted of this new offense, they can receive a maximum sentence of 20 years in prison and a \$250,000 fine. This bill will establish the same penalties for smuggling drugs on ultralights as for those who smuggle using airplanes or automobiles.

Committee Action: H.R. 3801 was introduced on January 23, 2012, and referred to the House Ways and Means Committee, which took no public action.

Additional Information: Similar legislation, H.R. 5307, passed the House on September 23, 2010, by a [roll call vote of 412-3](#).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time. According to the sponsor, the legislation does not have a cost.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would expand the definition of an aircraft to include ultralights.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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