

STATEMENT OF RICHARD SKULLY, DIRECTOR OF FLIGHT
STANDARDS SERVICE, FEDERAL AVIATION ADMINISTRATION
ON U. S. REGISTRY OF AIRCRAFT BY ALIENS LAWFULLY
ADMITTED FOR PERMANENT RESIDENCE BEFORE THE HOUSE
PUBLIC WORKS AND TRANSPORTATION SUBCOMMITTEE ON
AVIATION, JULY 29, 1976

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the views of the Federal Aviation Administration on legislation to amend the Federal Aviation Act of 1958 to allow U. S. registry of aircraft by aliens lawfully admitted to the United States for permanent residence. I am accompanied by Bruce I. Selfon, Chief of the Legislative Staff for the FAA.

The aircraft registry for the United States is operated by the FAA at the Aeronautical Center in Oklahoma City, Oklahoma. Currently, 208,246 aircraft are registered and last year 87,535 applications were received adding new aircraft or changing existing registrations. Maintaining this registry serves not only a safety function by allowing the FAA to identify owners of aircraft but provides protection for buyers and sellers through an authoritative source of owner identification.

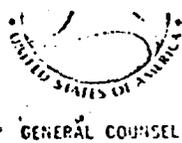
The views of the Administration on H. R. 3647 were transmitted to this Committee on June 30 and a copy of that letter is attached to my prepared statement. We support the proposition that aliens who are lawfully admitted for permanent residence should be able to register their aircraft in the United States. As our comments pointed out, our concern is that the United States be able to discharge properly our responsibilities

under the applicable international agreements for U. S. registered aircraft being operated outside of the United States. The other comment we made concerning the scope of the proposed amendment has been accommodated in the later version of H. R. 3647 prepared by this Subcommittee and we therefore prefer the new version.

We believe that the ability to register aircraft in the United States should be extended only to aliens who are currently enjoying permanent residence status. We intend to develop administrative procedures with the Immigration and Naturalization Service so the FAA will be informed if an alien who has registered an aircraft loses that status. Another administrative change necessitated by this legislation is the amendment of our current application forms. We expect to handle these matters with little difficulty and as promptly as possible if the bill passes.

We support enactment of this legislation. If you have any questions, my associate or I will be pleased to address them.

Thank you very much.



JUN 30 1976

Honorable Robert E. Jones
Chairman, Committee on Public Works
and Transportation
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This is in reply to your request for views of the Department of Transportation on H.R. 3647, a bill

"To amend the Federal Aviation Act of 1958 to permit aliens holding permanent residence visas to register aircraft in the United States, and for other purposes."

The present section 501(b) of the Federal Aviation Act permits only those aircraft owned by U.S. citizens to be registered in the United States. H.R. 3647 would also permit aircraft owned by resident aliens to be registered in the United States. Although it will doubtless create some administrative inconvenience, the Department of Transportation endorses this legislation.

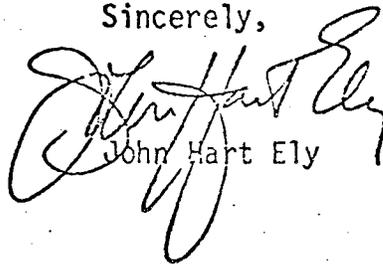
We do wish to offer the following comment on this bill as presently drafted, however. First, we believe that the amendment is drafted too narrowly. The amendment should permit a resident alien to register aircraft in the United States regardless of whether the alien is a citizen of a contracting state to the Convention on International Civil Aviation.

Second, Article 12 of the Chicago Convention obligates the United States to ensure that every aircraft of its registry, wherever flown, complies with the rules and regulations relating to the flight and maneuver of aircraft there in force and to ensure that violators are prosecuted. To fulfill these obligations, the Federal Aviation Administration promulgated 14 CFR 91.1(b)(2), which requires persons operating civil aircraft of U.S. registry in foreign countries to comply with the regulations relating to the flight and maneuver of aircraft there in force. Violators of this regulation are subject to substantial civil penalties. To minimize the administrative difficulties which attend this responsibility, we believe that resident aliens who lose, or give up, that status should consequently lose the right to own a U.S. registered aircraft. Therefore, we believe consideration should be given to providing timely notification to FAA in the event that the status of the individual changes.

For your information, the constitutionality of the present exclusion from U.S. registry of aircraft owned by aliens has been challenged in litigation pending in the Northern District of California, Von Barnekow v. U.S. (c-75-2225-LHB):

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program, to the submission of this report for the consideration of the Committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hart Ely". The signature is written in dark ink and is positioned above the printed name.

John Hart Ely