



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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March 7, 2006

Honorable Wayne R. Bryant
Deputy Majority Leader
New Jersey Senate
State House
P.O. Box 099
Trenton, NJ 08625-0099

Re: **S1453 (Background checks for flight instruction)**

Dear Deputy Majority Leader Bryant:

On behalf of the more than 9,300 New Jersey members – of the 407,000 members nationwide – of the Aircraft Owners and Pilots Association we are writing to you regarding your S1453, which would require background checks for flight instruction.

We share your views about the importance of general aviation (GA) security, and are pleased to provide the following overview of the significant steps taken by the federal government regarding the regulation of pilot licensing.

In September of 2004, the Transportation Security Administration (TSA) issued the Alien Flight Training Rule, which requires every person to prove his citizenship status (including U.S. citizens) prior to undertaking flight training that would lead to an initial pilot certificate or substantially enhance flying skills in aircraft weighing 12,500 pounds or less. Flight instructors either must make an endorsement in both the instructor and student's pilot logbooks or keep a copy of the documents used to prove citizenship for five years.

Foreign flight students must notify the TSA of their intent to begin flight training and provide:

- Full name, gender, current address and five-year address history, date and country of birth, and citizenship information
- Passport and visa information (Foreign applicants are required to have a passport.)
- Training details including the name of the school, type of aircraft, pilot certificate or rating sought, and the start and end dates of training
- Fingerprints
- \$130 application processing fee
- Photograph

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TSA will utilize this information to conduct a security threat assessment of foreign applicants and determine that the foreign applicant is not a threat to aviation or national security.

The rule also requires flight instructors and flight school employees to receive initial and annual recurrent security awareness training on how to recognize and report suspicious activity.

Finally, the rule requires flight instructors to maintain a record of the following for five years for each foreign student:

- Photograph
- Copy of TSA approval confirming candidate's eligibility for flight training
- Candidate's full name, gender, and date of birth
- Candidate's ID number created by TSA
- Copy of candidate's valid, unexpired passport and visa
- Copy of all previous passports and visas held by candidate and all information necessary to obtain a passport and visa
- Candidate's country of birth, current country or countries of citizenship, and each previous country of citizenship, if any
- Candidate's requested dates, type, and location of training
- Candidate's current U.S. pilot certificate and certificate number (if any)
- Candidate's current address and phone number and each address for previous five years
- Copy of receipt confirming that the \$130 was paid

Since October 2002, the FAA – at AOPA’s request – has required pilots to carry photo identification when exercising the privileges of a pilot certificate. Additionally, pilots are required to present photo identification when requested by the FAA, an authorized representative of the National Transportation Safety Board (NTSB), the TSA, or a law enforcement officer.

In January 2003, the FAA issued a rule stating that if the TSA determines that a pilot poses a national security threat, it can direct the FAA to revoke that pilot's certificate.

In July of the same year, the U.S. Department of Transportation began issuing new, difficult-to-counterfeit airman certificates, and just this past January, the FAA announced that it is developing a rule requiring all pilots to obtain new certificates containing the pilots photo, a hologram and other counterfeit-resistant measures.

So it is clear that the FAA and TSA have “covered the bases” regarding the regulation of pilot licensing. Maintaining such authority at the federal level ensures a national standard and consistency across the country, and it is for this reason that the U.S. Court of Appeals for the

First Circuit has ruled state lawmaking regarding pilot qualification to be preempted. Therefore, we respectfully request that you withdraw S1453 from consideration.

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Thank you for your time and consideration of our comments. Should you have any questions or concerns, please contact me at (301) 695-2203.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew V. Cebula". The signature is fluid and cursive, with a large initial "A" and "C".

Andrew V. Cebula

Executive Vice President

Government Affairs

cc: Tom Thatcher, Director, Division of Aeronautics and Freight Systems, NJDOT
Bill Leavens, AOPA Eastern Regional Representative