



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

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May 19, 2005

The Honorable Gordon M. Johnson
1 Engle Street
Suite 104
Englewood, NJ 07631

Re: **A4043 (Background checks for flight instruction)**

Dear Assemblyman Johnson:

The more than 9,500 New Jersey members – of the 404,000 members nationwide – of the Aircraft Owners and Pilots Association (AOPA) appreciate your time meeting with us this week and your decision to hold A4043 from further consideration. As you mentioned yesterday, the provisions of the bill are, indeed, preempted by federal regulation. As promised, here is a more detailed explanation of those regulations.

In September of last year, 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. Flight instructors must either make an endorsement in both the instructor and student's 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, and pilot certificate or rating sought
- Fingerprints
- \$130 application processing fee
- Photograph

Moreover, the new rule requires flight instructors and flight school employees to receive training on how to recognize and report suspicious activity.

Since October 28, 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.

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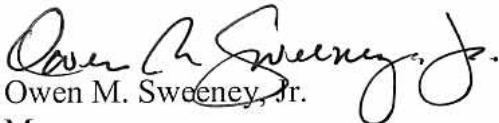
In July 2003, the U.S. Department of Transportation announced it would begin issuing a new, difficult-to-counterfeit airman certificate that includes a hologram on a plastic card. Recommendations from the 9/11 Commission led to a new law signed in mid-December, the Intelligence Reform and Terrorism Prevention Act of 2004 (PL108-458), requiring the FAA to issue pilot certificates with a photo of the pilot within one year of the law taking effect.

Finally, 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.

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.

Thank you once again for meeting with us yesterday, and please do not hesitate to contact AOPA regarding any further questions you may have regarding general aviation. You may reach me at (301) 695-2200.

Sincerely,



Owen M. Sweeney, Jr.

Manager

Regional Affairs

cc: Bill Leavens, AOPA Eastern Regional Representative