

NOV 19 1979

William C. Boston, Jr., Esq.
Attorney at Law
Andrews, Davis, Legg, Bixler, Milsten & Murrell
1600 Midland Center
Oklahoma City, Oklahoma

Dear Mr. Boston:

This is in reply to your request of November 6, 1979. At that time you asked whether an aircraft owned by a partnership, whose partners included several individuals and a corporation, all of whom were citizens of the United States under the definition in Section 101(16) of the Federal Aviation Act of 1958, as amended, would be eligible for registration in the name of the partnership. It is our opinion that the aircraft would not be eligible.

In defining a "citizen of the United States" Section 101(16) provides as follows:

"Citizen of the United States" means (a) an individual who is a citizen of the United States or one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

In (b) a partnership is considered a citizen if each member is an individual who is a citizen of the United States or one of its possessions. We believe it is clear that the intention was to include only partnerships whose members were individuals as opposed to a situation where one or more of the members are corporations notwithstanding that each is a citizen of the United States under the above definition.

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Amendment 47-20, effective January 1, 1980, in Section 47.2 utilizes the same definition. Section 47.7(d), relating to partnerships, while not specifically stating that each member must be an individual who is a citizen of the United States, must be read in light of the definitions set forth in the Federal Aviation Act of 1958 and Section 47.2 of the Federal Aviation Regulations.

On the basis of the above opinion, you made reference to a possible problem insofar as the affidavit to be provided by the trustee under Section 47.7(c)(2)(ii) of the Federal Aviation Regulations, effective January 1, 1980, if the beneficiary under the trust were a partnership whose members include a corporation. It is our opinion that, if each member of the partnership were a United States citizen or resident alien, as opposed to being a foreign citizen, the trustee could provide the required affidavit and the representation therein would be accurate and meet the requirements of the regulations. Our opinion is based on the intent of Section 47.7(c)(2) which is to ensure that the aggregate power of foreign interests to influence or limit the exercise of the trustee's authority does not exceed 25 percent.

If anything further is required, please advise us.

Sincerely,

Original signed by:
Joseph T. Brennan

JOSEPH T. BRENNAN
Aeronautical Center Counsel

bcc:
AAC-200 (AAC-250)
AGC-7

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Aeronautical Center Counsel