

NO 15#



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Mike Monroney  
Aeronautical Center

RP DEC 04 2000  
P.O. Box 25082  
Oklahoma City, Oklahoma 73125

December 1, 2000

Cary K. Silahian, Esq.  
Krasfur Gordon Mott P.C.  
P.O. Box 1322  
El Paso, TX 79947-1322

Dear Mr. Silahian:

Request For Informal Interpretation  
U. S. Citizenship

Your letter of October 19, 2000, addressed to Ms. Karen Adams, Manager, has been referred to this office for response regarding citizenship.

You presented a situation where an aircraft is currently owned by a Financial Institution subject to a trust agreement. Corporation Y is the beneficiary under the trust. Corporation Y will contribute its beneficial interest under the trust to X, a Texas corporation. The trust may then be liquidated and presumably, the Trustee will convey the assets/corpus of the trust to Corporation X. Corporation X, as the owner of the aircraft will then apply for registration of the aircraft.

You state that X's president and 75% of X's board of directors are U.S. citizens. You did not inform us if 2/3 or more of "other managing officers" are citizens of the United States. It is also represented that at least 75% of the outstanding voting stock of X is controlled by citizens of the United States.

Under 49 U.S.C. §44102(a)(1)(A), "an aircraft may be registered under section 44103 of this title only when the aircraft is not registered under the laws of a foreign country and is owned by a citizen of the United States . . . ." A "citizen of the United States" is defined in 49 U.S.C. §40102(a)(15) as a "corporation or association organized under the laws of the United States or a State, . . . , of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the

United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States."

Upon review of the information and representations, it is our opinion that, provided 2/3 or more of X's "other managing officers" are "citizens of the United States," Corporation X is eligible to make application for registration of any aircraft which it owns.

We regret we are unable to offer an opinion regarding the proposed use of the aircraft. We suggest you again contact the local FSDO and discuss the matter with an inspector familiar with operational regulations and requirements.

Sincerely,  
Joseph R. Standell,  
Aeronautical Center Counsel

By:

  
James M. Webster  
General Attorney