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## Federal - New Air Commerce Regulations Relating to Customs, Immigration, Entry and Clearance, and Public Health

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## FEDERAL

### NEW AIR COMMERCE REGULATIONS RELATING TO CUSTOMS, IMMIGRATION, ENTRY AND CLEARANCE, AND PUBLIC HEALTH.

A notable development in regulations is effected by the new Air Commerce regulations published in the Federal Register of September 3, 1941, to come into force on November 1 following. They relate to the transportation of persons and merchandise by aircraft to and from the United States and its outlying parts. The regulations were issued under the amended provisions of Section 7 of the Air Commerce Act of 1926. They authorize the Secretary of the Treasury to apply the customs laws and regulations of the United States to civil air transportation "to the extent and upon such conditions as he deems necessary," and vest the same authority respectively in the Attorney General, the Secretary of Commerce, and the Federal Security Administrator, with respect to the immigration laws, the entry and clearance laws, and the public health laws.

A special feature of the new regulations is that they combine in one text, as far as appears feasible, the regulations that air commerce is to be subject to under the laws relating to customs, immigration, entry and clearance, and public health. They take the place of four separate regulations that were issued shortly after the Air Commerce Act of 1926 came into effect. The new text appears as the first 15 sections of Part 4 of Title 19, the title relating to customs, in the Code of Federal Regulations. Cross references are made to them in its titles relating to immigration, entry and clearance, and public health.

The other special feature is that the single text reduces the forms to three principal forms, in place of the many forms required under the former regulations.

The three main forms are the entry declaration and the clearance declaration of the aircraft commander and an information sheet. The declarations include a manifest of aliens in the crew and a manifest of all passengers, as well as a manifest of merchandise carried on the aircraft. A feature of the clearance declaration is that in case the aircraft is departing from one non-adjacent part of the United States to another, copies of the declaration filed at the time of departure may be delivered upon arrival in the other part instead of new manifests.

The declaration forms prescribed by the regulations are to consist of an upper and a lower detachable part so that the upper part containing the manifests of persons can be separated and delivered by the aircraft commander to the immigration officer, and the manifest of merchandise delivered to the customs official. The information sheet that must also be delivered by the aircraft commander to the immigration officer is to contain other information required by the immigration laws. The division of information it is known, was made

in order that the declaration forms, as well as the information sheet, could be of a size of paper taken by the usual typewriter and so that the information sheet could be filled out at the time the ticket is sold to the passenger, often at an uptown office. This arrangement leaves but few particulars to be entered on the declaration form shortly before the aircraft departs from the airport. The information sheet, it is understood, is to require from the aircraft commander only such information in regard to each passenger as is found to be necessary to facilitate immigration inspection and to provide a sufficient record for immigration and naturalization purposes.

The new regulations state that they include all the provisions with respect to entry and clearance that are to apply to aircraft. The provisions prescribed in regard to customs and public health appear to be all that would be involved in ordinary cases. Thus it would seem that only unusual cases would fall within the provision which states that except as the text otherwise provides, aircraft shall be subject to the customs and quarantine laws and regulations in regard to vessels in so far as applicable to aircraft.

A cross reference is made in the new regulations in the same issue of the Federal Register to further regulations which apply immigration laws and regulations to aircraft. Apparently they are certain regulations which were separately issued by the Attorney General because they could not conveniently be included in the single text. A further reason, it is said, was that as international traffic by aircraft grows and thus presents new problems, the separate regulations can be adjusted by the officials charged with the enforcement of the immigration laws and not involve the other officials who signed the combined text.

The new regulations make clear what subjects every provision deals with by stating at the outset that every paragraph and clause relates to customs, public health, entry and clearance, and immigration, except where it applies only to certain of those matters, which is shown by head-note or context.

The new regulations are in line with recommendations in regard to the simplification of formalities in connection with the transit of aircraft made by the Pan American Commercial Conference at Buenos Aires in 1935 and the Inter-American Technical Aviation Conference at Lima in 1937. At both conferences the Government of the United States was represented. About that time, suggestions were made by the late R. Walton Moore, then Counselor of the Department of State, that efforts be made to simplify the regulations with respect to the arrival and departure of aircraft and the documents required in that connection. Thereupon the work of drafting such regulations and forms was begun by Denis Mulligan, then Director of the Bureau of Air Commerce in the Department of Commerce, now on active duty as Captain, Air Corps, Wright Field, Dayton, Ohio, and by Albert E. Reitzel, then Assistant Solicitor of the Department of Labor, now Principal Attorney, Immigration and Naturalization Service. In government circles, it is generally known that the work has been carried to conclusion by Mr. Reitzel, with the help of officers in the various branches of the departments and agencies concerned, and of officials at the main airports of entry.

**FEDERAL CERTIFICATES FOR ALL AIRCRAFT AND PILOTS**

The Civil Aeronautics Board held an open hearing on September 24th at 2 P. M. in Room 5042, Commerce Building, Washington, D. C., on a proposal to adopt a regulation requiring the certification under the Civil Aeronautics Act of all civil aircraft and all pilots operating within the air space of the continental United States, its territories and possessions. The Board acted in pursuance of its policy of providing an opportunity for all interested parties to be heard on any proposed regulation prior to its adoption.

For some time the Board has had under consideration the proposed regulation to require the certification of all aircraft and pilots. This has been due to the recent unparalleled expansion of both civil and military flying caused, in part, by the national emergency and in part by the tremendous increase in the use of private and commercial aircraft. The Board heretofore has only required certification of airmen and aircraft if they engage in commercial operations of an interstate character or operations on the civil airways. However, by reason of the vast development in air traffic, the public safety, including that of both pilots in the air and persons on the ground, requires that a more complete and over-all control over the competency of pilots and the airworthiness of aircraft be exercised.

The Civil Aeronautics Act grants the Board jurisdiction in the interest of safety over all air traffic on the Federal airways, over all interstate air commerce off the airways and over air navigation that directly affects or may endanger these two classes of traffic.

At the hearing there was unanimity of expression in behalf of the adoption of the proposed regulation, although there were some differences of opinion as to the reasons for the adoption. The persons appearing included representatives of the Army Air Corps, Navy Bureau of Aeronautics, Civil Aeronautics Board, Civil Aeronautics Administration, and of aviation generally. The Board took the proposal under advisement to give time for the filing of written expressions and particularly for opportunity for action by the National Association of State Aviation Officials having its annual meeting at Providence, Rhode Island, on October 2-4, 1941.

**NEW DIRECTOR OF C. A. A. PILOT PROGRAM**

Grove Webster, Director of the Civilian Pilot Training Service since its inception in 1938, has resigned to re-enter private aviation, it was announced today by Donald H Connolly, Administrator of Civil Aeronautics.

"It is with deep regret that Mr. Webster's resignation is being accepted," said General Connolly, "the success of the civilian pilot training program owes a great deal to Mr. Webster's untiring efforts and able direction. He has done a magnificent job in a field that had to be pioneered at every step."

Mr. Webster will be succeeded by Major John P. Morris, Air Force Reserve, who has been Assistant Director of the Civilian Pilot Training Service, and Major Morris' former post will be filled by W. G. Stewart, Chief of the CAA pilot training Performance Division.

As a second lieutenant, Mr. Webster saw active flying duty with the 163rd Aero Squadron in France during the first world war. When appointed to the C. A. A. he was head of the Airport Directory Company of Hackensack, N. J., and Executive Vice President of the Private Flyers Association.

Major Morris has also been connected with aviation since 1917 and served over-seas as a flight instructor at the U. S. Army Base at Issoudun, France. He holds active pilot's certificate No. 457 and has logged more than 6,000 flying hours.

Mr. Stewart's association with aviation dates back to 1927, when he was active in the promotion of private flying in Florida, operating several commercial flying services throughout the state. He was appointed to the C. A. A. early in 1939, and was assistant to Major A. B. McMullen in pioneering the airport program which established 135 new landing fields in Florida.

The C. A. A. Civilian Pilot Training Program, started as an experiment in the winter of 1939 with 330 students in 13 schools, has expanded to the point where more than 50,000 students have completed the various courses offered and at the present time 12,000 additional students are enrolled at 500 training centers throughout the country.