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June 6, 2006

Electronic and Facsimile Submission: jexchanges@state.gov and 202-203-5087

U.S. Department of State
Office of Exchange Coordination and Designation
SA-44, 301 4th Street, S.W.
Room 734
Washington, D.C. 20547

Subject: RIN (1400-AC15) Proposed Regulations 22 CFR Part 62

Dear Sir:

Helicopter Association International (HAI) is submitting the following comments in response to the proposed rule changes to the Exchange Visitor Program Training and Internship Programs as published on April 7, 2006 in the Federal Register, Volume 71, Number 67.

Nine flight training schools in the United States participate in the J-1 visa flight-training program and are accredited by the Accrediting Council for Continuing Education and Training (ACCET) or the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCT). Two of the nine flight schools offer Federal Aviation Administration (FAA) approved helicopter flight training under the supervision of the Student Exchange Visitor Information System (SEVIS), the Transportation Security Administration (TSA), and the Department of Homeland Security's (DHS) Immigration and Customs Enforcement Agency (ICE).

The Department of State has proposed significant changes to the J-1 visa as it relates to flight training that will have a substantial negative impact upon the economic survivability of Helicopter Adventures, Inc. of Titusville, Florida and Hillsboro Aviation, Inc. of Hillsboro, Oregon, the two HAI members who offer helicopter flight training in the United States. Collectively, Helicopter Adventures and Hillsboro Aviation have 272 employees, operate 94 aircraft, and provide flight training, on average, to 145 foreign students each year under the J-1 program.

While the proposed changes would allow flight training schools' continued participation with respect to foreign students, the additional time that facilitates the earning of flight hours would be lost. Worldwide demand for helicopter pilots continues to increase. However, pilots with insufficient flight hours lack the experience most employers require and are, thus, unable to obtain employment in their home country. Under the proposed new rules, the total length of the program would be reduced from 24 to 18 months, and the work experience period that allows for the building of flight hours would be limited to one month for every three months of training. It would be nearly impossible for students to acquire the one thousand or more flight hours required for competency in larger aircraft.

Dedicated to the advancement of the civil helicopter industry

The inability to acquire a minimum of 1,000 flight hours will dictate that only a minor percentage of the students who presently obtain training in the United States will continue to do so. Helicopter Adventures and Hillsboro Aviation derive nearly 70 percent of their revenue from the J-1 enrollments.

The proposed provision, requiring foreign flight training students to possess three years previous experience in the industry, fails to account for the fact that these training programs represent "beginner" training. No student undertaking initial helicopter flight training could acquire the requisite experience. An additional requirement to establish strict TOEFL (Test of English as a Foreign Language) score requirements is redundant. All FAA approved flight training is conducted in English and FAA student pilot licenses are only issued to those who possess solid written and verbal English proficiency, as well as solid English comprehension. Further, the costs that would be borne by flight schools under the proposed changes to conduct in-person foreign student interviews to determine eligibility would create an undue financial burden. The current controls in place to regulate and maintain structure for the J-1 program are sufficient to ensure that only students who pass security background checks and display a high probability of success are admitted.

Compliance with strict immigration law and comprehensive security procedures imposed by the TSA, especially with regard to the oversight of trainees has enabled Hillsboro Aviation and Helicopter Adventures to train over 1,000 foreign students under the J-1 program since 1994 without a single incident. The Department of Homeland Security already has in place a complete and thorough method to oversee foreign flight school students, with a minimum of three required background checks beginning at the time a student applies for a J-1 visa and during enrollment in a flight-training program.

It has come to HAI's attention that at least one flight training school, Quantum Helicopters of Chandler, Arizona, has been unsuccessful in obtaining J-1 approval from the State Department. After submitting all required documentation and fees nearly two years ago, Quantum was informed of a State Department policy decision to place a moratorium on the approval of any new J-1 training institutions, while allowing the previously approved schools to continue their enrollment of J-1 students. Quantum is a large helicopter training organization and one of the few nationally accredited helicopter training facilities worldwide.

It is important that the United States maintain its position as a global leader in pilot training to ensure that pilot safety standards for commercial pilots are maintained worldwide. Foreign students elect to receive flight training in the United States because the training and experience they receive is recognized worldwide, and FAA approved programs are transferable to other countries based on the International Civil Aviation Organization (ICAO) standard. Moreover, flight training outside of the United States is significantly more expensive and more time consuming.

HAI appreciates the position of the Department of State regarding a lack of expertise and resources to fully monitor flight-training programs and ensure compliance with national security concerns. The Department of Homeland Security has the resources, is already monitoring flight-training programs to ensure compliance with national security concerns, and is uniquely suited to assume oversight and responsibility for the J-1 visa flight-training program.

The Department of State should rescind the proposed rule change as it relates to flight school training and work with industry and the Department of Homeland Security to transfer the J-1 visa program to that

agency. It is unfortunate State Department officials failed to consult our industry and published a proposed rule change to the J-1 program after assuring the U.S. House of Representatives Aviation Subcommittee in May of 2005 that the Department of State's Education and Cultural Affairs Division would be moved to the Department of Homeland Security and students would be able to continue to study under the same rules for a two-year flight training period.

Before any further draconian changes are contemplated that would, in essence, completely curtail all helicopter flight training in the United States, the effect upon small business entities should be thoroughly evaluated under the Regulatory Flexibility Act. The infrastructure the flight training industry has built, notwithstanding the aircraft utilized for flight training activities, helps to ensure that America retains some measure of authority with regard to aviation safety.

The J-1 flight-training program provides a valuable service to the international helicopter community, fostering good will and cultural exchange to participants – one of the primary goals of the Fulbright-Hays Act. Changes to the J-1 program will further negatively impact the worsening international helicopter pilot shortage.

Helicopter Association International, a not-for-profit, professional trade association, is dedicated to promoting the helicopter as a safe and efficient method of commerce, and to the advancement of the civil helicopter industry. Member companies include operators of civil helicopters, manufacturers, and associate industry supporters, most of whom are small businessmen and women. HAI's 1,300-plus member organizations and 1,100-plus individual members safely operate more than 4,500 helicopters flying approximately 2.3 million hours each year.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew S. Zuccaro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew S. Zuccaro
President



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June 6, 2006

BY ELECTRONIC MAIL

Mr. Stanley S. Colvin

Director, Office of Exchange Coordination and Designation

U.S. Department of State, SA-44

301 4th Street, SW, Room 734

Washington, DC 20547

Electronic Address: jexchanges@state.gov (RIN 1400-AC15;22 CFR Part 62)

Re: RIN: 1400-AC15; Proposed Rule; Exchange Visitor Program—Training and Internship Programs

Dear Mr. Colvin:

The Aircraft Owners and Pilots Association (AOPA) representing over 408,000 members opposes the U.S. Department of State's proposed revisions to its J-1 Visa Program. AOPA believes that the proposed rule changes will have a significant adverse economic impact on all nine (100 percent) of the flight schools that currently rely on the J-1 Exchange Visitor Program for part of their business. For some schools this represents 50 percent or more of their total revenue, which if lost could force them out of business.

The proposed requirements are unreasonable and so onerous that, if implemented they would effectively end the J-Visa Program for aviation. AOPA also believes the proposal would prevent the goals of the Fulbright-Hays Act from being met in the aviation occupational category as it pertains to flight training. The agency in its Regulatory Analysis also failed to provide a factual basis for certifying that the proposed changes will not have a significant economic impact on a substantial number of small entities.

Significant Economic Impact Ignored

Despite the significant economic impact of the proposed changes, affected flight school representatives have told AOPA that the Department of State failed to contact a single affected school to collect information that would have helped the agency understand the economic impact of the proposed changes. Moreover, the affected flight schools sent a letter to the Department of State in November 2005, outlining concerns over future changes to the Exchange Visitor Program that could adversely impact their businesses.

We are concerned that the Department of State proposes to unilaterally dismantle the J-1 Program as known today and possibly force many of the flight schools that rely on J-1 visas out of business. The Department of State violated the Regulatory and Flexibility Act by blatantly disregarding the potentially devastating economic consequences to flight schools and by

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improperly certifying that the proposal would not have a significant economic impact, despite the lack of any factual basis to support this assertion.

Proposal is Contrary to the Goals of the Fulbright-Hays Act

While the U.S. Department of State readily admits in the proposed rule that training programs have been highly successful in meeting the goals of the Fulbright-Hays Act, the agency's proposed changes are inconsistent with these goals. The Fulbright-Hays Act provides foreign nationals with opportunities to participate in exchange programs in the United States and return home to share their experiences. The Department of State's proposal would no longer allow this to occur. The onerous and burdensome new requirements would virtually eliminate the viability of the J-1 Exchange Visitor Program for the purpose of providing flight training to foreign nationals.

The proposed rule would now require foreign national trainees to have a minimum of three years of prior related work experience in their occupational fields before being eligible to participate in the Exchange Visitor Program. This change alone would defeat the purpose of the J-1 Exchange Visitor Program. If foreign nationals already had three years related work experience as pilots, they would not need to come to the United States for flight training because they would more than likely already have jobs as pilots in their home countries.

This and other proposed requirements like individualized training plans and having sponsors conduct in-person interviews with potential trainees in their home countries indicates that the Department of State either does not understand the flight training industry and the many requirements already imposed by the Federal Aviation Administration (FAA), the Transportation Security Administration (TSA), and Accrediting Agencies, or the agency is intentionally and maliciously attempting to phase out the existing flight training programs under the J-1 Visa category contrary to the goals established by the Fulbright-Hays Act.

Reducing J-1 Flight Training Program Duration From 24 to 18 Months is Arbitrary and Capricious

The J-1 flight training programs currently allow qualified foreign national trainees to enter the United States for a period of 24 months to participate in intensive pilot training and to gain experience as flight instructors before returning to their home countries. The proposed rule would now limit the program to 18 months contrary to the 1993 United States Information Agency (USIA) final rule that originally established the 24-month program duration in recognition of the special circumstances surrounding flight training and the costs associated with accreditation.

The proposal not only limits the program duration to 18 months, but it will also limit flight trainees to one month of practical training as a flight instructor for every four months of classroom study. This would equate to only three months of employment as a flight instructor because most flight training programs take about one year to complete. Three months of employment is insufficient for a foreign trainee to accrue the necessary flight time and experience that is needed to be considered for employment in their home country. For this

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reason, USIA determined that 18 months was inadequate to meet the needs of the flight training industry and subsequently established the 24-month program duration in 1993.

The Department of State's proposal to limit J-1 flight training programs to 18 months is arbitrary and capricious, and completely ignores the former USIA's carefully considered position and the flight training industry's needs.

GAO Report Does Not Cite Flight Training Programs as Problematic or Deficient

While the Government Accountability Office (GAO) report referenced in the proposal identifies certain abuses and deficiencies in the Exchange Visitor Program, AOPA points out that none of the problems cited were related to flight training programs. Flight training programs in the aviation occupational category do not need to be amended.

One area of the regulations that was criticized by GAO was that dealing with training plans. This presumably is the reason why the Department of State proposes individualized training plans. The requirement however is inappropriate for flight schools because the FAA already reviews and approves the school's training plans. As previously noted, flight schools that offer J-1 training programs are under heavy federal oversight and scrutiny. The FAA is responsible for and extensively involved in a flight school's approval, including training plans, facilities, equipment, employees and record-keeping.

Security Concerns are Department of Homeland Security Responsibility

In the proposed rule, the Department of State directs the attention of sponsors to a Statement of Policy promulgated in January 2006, where the agency determined that it does not have the expertise and resources to fully monitor flight training programs and ensure their compliance with national security concerns. AOPA notes that the responsibility for ensuring the security of flight schools and flight training candidates belongs to TSA and not the Department of State. TSA requires that every foreign flight training candidate undergo a background check, fingerprinting, document verification and photo identification before training begins for the issuance of an initial pilot certificate and then again for issuance of an instrument or multi-engine rating. Most applicants under the J-1 Program will undergo this process no less than three times during their first year of training. TSA determines a candidate's eligibility to receive flight training and the agency will notify the flight school to terminate training if a candidate is determined to be a security threat. Flight schools are also subject to numerous TSA security requirements and routine inspections. The Department of State's security concerns expressed in the January 2006 Statement of Policy are unfounded and lack merit.

Exempt Flight Training Programs From Proposed Rule Changes

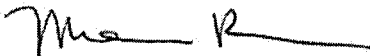
AOPA requests that the U.S. Department of State exempt flight training programs from the proposed rule changes until the agency can adequately conduct a proper regulatory flexibility analysis and fully consider alternatives that will not adversely impact the health and financial stability of flight schools, this analysis should consider the option of leaving the current J-1 flight training program regulations unaltered.

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The United States has long been considered the leader in aviation education and flight training. And with many countries expanding their aviation infrastructure, the J-1 Exchange Visitor Program helps to meet the worldwide demand for well educated, qualified, experienced and safe pilots; no other program or visa offers the same degree of educational and cultural opportunities afforded by the J-1 visa flight training program. It is imperative that the Department of State recognize the importance of the J-1 Exchange Visitor Program and that the agency carefully consider any changes to the regulations that would adversely affect the financial health and stability of the flight schools that provide training under the J-1 Visa category.

AOPA appreciates the opportunity to comment and looks forward to working with the U.S. Department of State on this very important issue.

Sincerely,



Melissa K. Rudinger
Vice President
Regulatory Affairs