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CTC ACADEMIC PROJECT:
US COUNTRY SUMMARY NOTE

In December 1998, the United States submitted to UNIDROIT its Preliminary Observations to the first round of texts that would become the Cape Town Treaty (the “**Treaty**”) (UNIDROIT 1998 Study LXXII – Doc. 43 / Study LXXIID – Doc. 4)¹. The international conference took place in Cape Town in November 2001, and the United States signed the Treaty in May 2003². On November 5, 2003, President George W. Bush submitted the Treaty to the Senate (President’s Message to the Senate Transmitting the Convention on International Interest in Mobile Equipment and the Protocol on Matters Specific to Aircraft Equipment)³. On April 1, 2004, the Senate held hearings on the Treaty during which several individuals expressed their support for the Treaty (Capitol Hill Hearing on Economic Treaties, Senate Foreign Relations Committee, 108th Cong. (2004) (opening statement of Senator Dick Lugar)) (Capitol Hill Hearing on Economic Treaties, Senate Foreign Relations Committee, 108th Cong. 1-4 (2004) (statement of Shaun E. Donnelly, Acting Assistant Secretary of the Bureau of Economic and Business Affairs)) (Capitol Hill Hearing on Economic Treaties, Senate Foreign Relations Committee, 108th Cong. (2004) (statement of Jeffrey Rosen, General Counsel of the U.S. Dep’t of Transportation)) (Capitol Hill Hearing on Economic Treaties, Senate Foreign Relations Committee, 108th Cong. (2004) (statements of various individuals)).⁴

¹UNIDROIT, English Documents, <http://www.unidroit.org/english/documents/1998/study72/s-72-43-e.pdf> (last visited Nov. 23, 2011).

² Unable to find specific document to support this statement.

³ U.S. Government Printing Office, <http://www.gpo.gov/fdsys/search/home.action> (last visited Nov. 23, 2011).

⁴ Available from: LexisNexis® Congressional; Accessed 10/11/11.

On April 28, 2004, Chairman Young of the House of Representatives introduced the Cape Town Treaty Implementation Act of 2004 (“**H.R. 4226**”) to the House, where the bill was referred to the Committee on Transportation and Infrastructure (the “**Committee**”) (H.R. 4226, 108th Cong. (2004))⁵. The next day, the Aviation Subcommittee held a hearing on the Treaty and on H.R. 4226, ordering that the bill be favorably reported to the full Committee without amendment (Capital Hill Hearing on International Aircraft Purchase Financing Treaty, House Transportation and Infrastructure, 108th Cong. (April 29, 2004) (statement of Karan Bhatia, Assistant Secretary of Aviation and International Affairs))⁶. On May 12, 2004, the full Committee convened and ordered that H.R. 4226 be reported with a clarifying amendment to the House for a voice vote, and their Report that was issued in connection with that order was published on June 8, 2004 (H.R. Rep. 108-526 (2004)).⁷ On June 23, 2004, the House passed H.R. 4226 (Messages from the House, 150 Cong. Rec. S7306 (2004))⁸.

On July 21, 2004, the U.S. Senate passed H.R. 4226 (Chamber Action, Senate Daily Digest, 150 Cong. Rec. D811 (2004))⁹ and ratified the Treaty by giving its advice and consent subject to specific declarations (Executive Session, 150 Cong. Rec. S8568 (2004))¹⁰. On August 9, 2004, the President signed H.R. 4226, and on October 20, 2004, Bush signed the Presidential approval of Senate ratification (Signed Statement of George W. Bush)¹¹. On October 28, the United States, via Ambassador Tony Hall, deposited its instruments of Treaty ratification with UNIDROIT in Rome, becoming the fifth country to ratify the Treaty (Declarations Lodged by the Government of the United States of America Under the Cape Town Convention;

⁵ U.S. Government Printing Office, <http://www.gpo.gov/fdsys/search/home.action> (last visited Nov. 23, 2011).

⁶ Available from: LexisNexis® Congressional; Accessed 10/11/11.

⁷ Cape Town International Registry Website, <http://www.capetowninternationalregistry.com/pdfs/6Implem.pdf> (last visited Nov. 23, 2011).

⁸ U.S. Government Printing Office, <http://www.gpo.gov/fdsys/search/home.action> (last visited Nov. 23, 2011).

⁹ U.S. Government Printing Office, <http://www.gpo.gov/fdsys/search/home.action> (last visited Nov. 23, 2011).

¹⁰ Available from: LexisNexis® Congressional; Accessed 10/11/11.

¹¹ Unable to identify source of this document.

Declarations Lodged by the Government of the United States of America under the Aircraft Protocol).¹²

On January 3, 2005, the Federal Aviation Administration published in the Federal Register the means of implementing the Treaty in the U.S., including the final rule and the revisions to 14 C.F.R. Parts 47 and 49 (Cape Town Treaty Implementation, 14 C.F.R. Parts 47 and 49 (2005))¹³. These amendments became effective concurrent with the date the Treaty entered into force with respect to the United States on March 1, 2006.

¹² UNIDROIT, <http://www.unidroit.org/english/conventions/mobile-equipment/depositaryfunction/declarations/bycountry/unitedstates.htm>

¹³ Federal Register, <http://www.gpoaccess.gov/fr/> (last visited Nov. 23, 2011).