U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAR 2 2 2012

Mr. Andrew Krausz
Solicitor
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Dear Mr. Krausz:

This is in response to your inquiry requesting a clarification of 14 C.F.R. §61.75 concerning which limitations on a foreign pilot license carry over to the US pilot certificate.

The particular circumstances prompting your inquiry concern a pilot who was involved in an accident in the United Kingdom while operating a US registered Cirrus aircraft, on his US pilot certificate, which was issued under 14 C.F.R. §61.75, Private Pilot certificate issued on the basis of a foreign pilot license. The pilot had an underlying license from the UK, which requires "differences training" prior to flying the Cirrus aircraft. However, under US regulations, the pilot is not required to have taken the "differences training" that is required under the UK rules. This raises the question of whether the pilot was in violation of his US certificate for flying an aircraft, on his US certificate, for which he would have needed specialized training if flying on his UK certificate.

Further complicating your inquiry is a notice issued by the Aviation Accident Investigations Board (AAIB) in August 2008, which quotes the 14 C.F.R. §61.75(e)(3) which states the US certificate, "Is subject to the limitations and restrictions on the person's US certificate and foreign pilot license when exercising the privilege of that US pilot certificate in an aircraft of US registry operating within or outside the United States." The AAIB draws the conclusion from this provision that any and all limitations and restrictions that a pilot would be subject to under his foreign pilot certificate are incorporated in his US certificate, and apply equally under his US certificate. This conclusion is mistaken.

While 14 C.F.R. 61.75 does incorporate the limitations and restriction "***on*** the person's US certificate and foreign pilot license," (emphasis added) that language refers to the scope of the authority reflected by the certificate itself. In other words, the pilot is subject to the restrictions and limitations that appear on the face of the US certificate or foreign pilot license. The language does not include the entirety of regulatory requirements of the foreign State since the holder of the §61.75 certificate is bound by the US regulatory requirements to exercise the privileges of the US certificate. The FAA views that language as addressing the limitations of the sort FAA uses, e.g., "not valid for night operation," where the individual has not completed the night training requirements.

As you noted, the FAA has not established a "differences training" requirement for operators of Cirrus aircraft by holders of a US pilot certificate.

We hope this response is helpful to you. If you have additional questions regarding this matter, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Certification and General Aviation Operations Branch of the Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200