

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER D—AIRMEN

[Docket No. 7538; Amdt. 61-33]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Recognition of Foreign Pilot Licenses and Issuance of Instrument and Aircraft Ratings

The purpose of these amendments is to extend the issuance of the special purpose pilot certificate requirements of § 61.33 of the Federal Aviation Regulations to any holder of a foreign pilot license issued by a member State of ICAO, regardless of whether the holder is a citizen of the State that issued the certificate.

A notice of proposed rule making regarding this action was circulated as Notice 66-31 and published in the FEDERAL REGISTER on August 4, 1966 (31 F.R. 10475). In response to the notice, the FAA received several comments from interested persons and pilot associations. While these comments were generally favorable to the proposal, suggestions were made which were given due consideration, and where appropriate were adopted in the amendment.

It was pointed out in two comments that while the term validation was used in the notice, the proposal is for the issuance of a special U.S. certificate based upon the foreign license rather than a true validation of that license. One comment favored on actual validation thereby eliminating the need for the issuance of a certificate by the FAA. The other comment suggested the elimination of the term "special purpose" as being confusing. After due consideration, it was decided that, as proposed, a certificate should be issued based upon recognition of the foreign pilot license. Moreover, to distinguish these certificates from other pilot certificates issued by the FAA, the term special purpose pilot certificate has been retained. However, to avoid any misunderstanding as to the method by which the special purpose pilot certificate is issued, the use of the term validation has been eliminated from the final rule.

Two comments urged that a special purpose pilot certificate should be issued only to a holder of a pilot license issued by a State that reciprocates in the same manner to the holder of a U.S. pilot certificate. This was considered but was not adopted for the reason that such a restriction would not be in accord with the objectives of ICAO Circular 68-AN/60 referred to in the notice erroneously as 63-AN/60.

One comment recommended that in the case of an instrument rating, the applicant should be required to pass the written and flight tests required by §§ 61.35 and 61.37. These tests would be required before an instrument rating would be issued if the applicant does not hold an instrument rating on his foreign pilot license. However, since a foreign licensed pilot with an instrument rating on that license may exercise IFR privileges in the United States when piloting a foreign registered aircraft, the granting of that privilege with respect to aircraft of U.S. registry is consistent with the objectives sought by the amendments.

With regard to the proposed commercial pilot privileges, there were comments objecting to allowing foreign pilots to fly U.S. registered aircraft for compensation or hire, particularly with respect to aircraft manufacturer flight test programs and for business or executive aircraft operations. In addition, it was pointed out that some misunderstanding could occur in determining what amounted to carrying property for hire, as in crop dusting or banner towing operations for example.

The proposal was primarily to permit foreign pilot representatives to participate, for hire, in aircraft development programs in which they and the manufacturer have a mutual interest, and to permit foreign pilots to fly for hire in connection with business activities in the United States using U.S. registered aircraft. While the rule would not prohibit gainful employment with any manufacturer or executive aircraft operator, this is not considered objectionable from a safety standpoint. The FAA does not consider the employment practices with respect to the hiring of foreign pilots to be a matter within its jurisdiction unless those practices affect safety. As the notice pointed out, this authorization to act as a pilot for compensation or hire does not thereby relieve the pilot from compliance with other requirements applicable to the employment of aliens in

the United States. As to the question of carrying property for hire such as in agricultural or banner towing operations, the commercial privileges granted in the special purpose pilot certificate will be applicable. However, before a foreign pilot can engage in those type activities, he must be in compliance with the other provisions of this chapter governing those activities as well as with all other requirements applicable to employment of aliens.

Some comments indicated confusion as to the applicability of the limitation imposed if the applicant cannot read, speak or understand the English language. This limitation in the proposed § 61.33(b) under the title "Tests" was interpreted as a limitation on an applicant for an instrument rating. By placing this limitation in § 61.33(d) *Certificate and ratings issued* the ambiguity is eliminated and the rule is clear that it applies to all applicants for a pilot certificate.

To clarify the requirements that the medical qualifications must be current the word "current" was added to §§ 61.3 and 61.33(c) where medical qualifications are discussed. Under the notice, it was proposed that a medical certificate issued under Part 67 would be accepted as evidence of medical qualification if it is also accepted by the State of issuance as evidence that the applicant meets the medical standards. However, to accommodate persons such as Embassy and Consular personnel who are unable to obtain a foreign medical certificate or renewal thereof while stationed in the United States, § 61.33(c) of the rules as adopted has been changed to permit the use of a medical certificate issued under Part 67 for flights within the United States.

One further liberalization was suggested and incorporated in the final rules adopted herein. As proposed § 61.33(f) required an applicant for renewal to apply at least 30 days before his certificate expires. This has been deleted and replaced by a requirement that application must be made before the certificate expires. This places no additional burden upon the FAA and the relaxation was therefore deemed appropriate.

In consideration of the foregoing and for the reasons previously stated in the Notice No. 66-31, Part 61 of the Federal Aviation Regulations is amended, as hereinafter set forth, effective June 15, 1967:

(As published in the Federal Register 32 F.R. 72497 on May 16, 1967)

§ 61.3 [Amended]

1. By amending the last sentence of paragraph (c) of § 61.3 to read as follows: "However, in the case of a pilot certificate issued under § 61.33, evidence of current medical qualification accepted for the issue of that certificate is used in place of a medical certificate."

2. By amending paragraph (d) of § 61.9 to read as follows:

§ 61.9 Duration of certificates.

* * * * *
(d) *Special purpose pilot certificate.* A pilot certificate, with any amendment thereto, issued under § 61.33, expires at the end of the 24th month after the month in which the certificate was issued or renewed. However, the holder may exercise the privileges of that certificate only while the foreign pilot license on which that certificate is based is effective.

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3. By amending § 61.33 to read as follows:

§ 61.33 Special purpose pilot certificate other than airline transport.

(a) *Purpose.* The holder of a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation, who meets the requirements of this section, may have a pilot certificate issued to him for the operation of civil aircraft of U.S. registry. Each pilot certificate issued under this section specifies the number and State of issuance of the foreign pilot license on

which it is based.

(b) *Tests.* An applicant for a pilot certificate with an instrument rating must pass a test on the instrument flight rules in Subpart B of Part 91 of this chapter, including the related procedures necessary for the operation of the aircraft under instrument flight rules.

(c) *Medical standards and certification.* An applicant must submit evidence that he currently meets the medical standards for the foreign pilot license on which the application for a certificate under this section is based. A current medical certificate issued under Part 67 of this chapter will be accepted as evidence that the applicant meets those standards. However, a medical certificate issued under Part 67 is not evidence that the applicant meets those standards outside the United States unless the State that issued the applicant's foreign pilot license also accepts that medical certificate as evidence of the applicant's physical fitness for his foreign pilot license.

(d) *Certificates issued.* An applicant who holds a current foreign pilot license that authorizes private pilot privileges is issued a pilot certificate with the same privileges. An applicant who holds a current foreign pilot license that authorizes commercial pilot privileges may obtain a certificate with either private or commercial pilot privileges. If the applicant cannot read, speak, and understand the English language, the Administrator may place any limitation on the certificate that he considers necessary for safety.

This section does not authorize the issue of airline transport pilot certificates.

(e) *Ratings issued.* Aircraft and instrument ratings listed on the applicant's foreign pilot license, in addition to any issued to him after testing under the provisions of this part, are placed on the applicant's pilot certificate.

(f) *Privileges and limitations.* The holder of a pilot certificate issued under this section may act as a pilot of a civil aircraft of U.S. registry subject to the limitations of this part and any additional limitations placed on his certificate by the Administrator. He is subject to these limitations while he is acting as a pilot of the aircraft within or outside the United States. However, he may not act as pilot in command, or in any other capacity as a required pilot flight crewmember, of a civil aircraft of U.S. registry that is carrying persons or property for compensation or hire.

(g) *Renewal of certificate and ratings.* The holder of a certificate issued under this section may have that certificate and the ratings placed thereon renewed if, at the time of application for renewal, the foreign pilot license on which that certificate is based is in effect. Application for the renewal of the certificate and ratings thereon must be made before the expiration of the certificate.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 9, 1967.

WILLIAM F. McKEE,
Administrator.