U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

SEP 28 2010

Stephen D. Phillabaum, Esq.
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
421 W. Riverside Avenue, Suite 900
Spokane, WA 99201-0418

Dear Mr. Phillabaum:

This letter is in response to your March 11, 2010 request for interpretation regarding the applicability of § 61.113 to United States (U.S.) certificated pilots operating U.S. registered aircraft outside of the United States. The FAA's Northwest Mountain Regional Counsel forwarded your request to my office on June 22, 2010.

You present a scenario in which a non-profit entity coordinates volunteer pilot flights for conservation organizations, researchers, and environmental decision makers. Such flights are operated in foreign countries by U.S. certificated private pilots in U.S. registered aircraft. You ask whether the provisions of § 61.113 would prohibit these volunteer private pilots from accepting reimbursement for fuel and airport charges associated with these operations. Based on the information provided to us by regional counsel, this answer addresses reimbursement of private pilots.

In such a scenario, the provisions of part 61 would apply to the volunteer pilots. This is because the pilots would be exercising the privileges of the pilot certificate issued by the U.S.[1] *See* 14 C.F.R. § 61. 3(a) (requiring a pilot certificate issued under part 61 when serving as a required pilot flight crewmember of a civil aircraft of the U.S.). Accordingly, § 61.113, which prohibits private pilots from carrying persons or property or acting as pilot in command of an aircraft for compensation or hire, would apply to your operations. Section 61.113 does provide for exceptions to the above (incidental business activity, expense sharing, charitable airlifts, search and location missions, glider towing); however, none of the exceptions are applicable based on the facts presented in your letter. Therefore, your organization could not reimburse the fuel costs or airport charges of the private pilots conducting the operations discussed in your letter.

[1] This answer assumes that the pilots do not hold pilot licenses issued by the foreign country in which the aircraft is being operated.

This response was prepared by Dean Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of additional assistance.

Sincerely,

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