



# **CAPP 70-11**

## **FAA Exemptions Guide**

**CIVIL AIR PATROL NATIONAL HEADQUARTERS  
MAXWELL AIR FORCE BASE, ALABAMA**

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## Nature of CAP Aircraft Operations

The FAA has ruled that CAP aircraft operations are considered those of “civil aircraft” and not “public aircraft” and are therefore subject to the Federal Aviation Regulations (FARs). For the avoidance of doubt, CAP aircraft and operations, when flown by CAP members, are always operated under the FARs, and not under Title 10 (Armed Forces).

All CAP operations are conducted under the FARs unless specifically exempted by the FAA. CAP has two exemptions:

### **14 CFR Part 61 - Reimbursement of Private Pilots on AFAMs - § 61.113(a) and (e)**

Exemption 18672B (*renewed 30 January 2025 and expiring 31 January 2027*), provides relief to § 61.113(a) and (e), which allows CAP members who are exercising private pilot privileges while serving on Air Force Assigned Missions (AFAMs) to be reimbursed for, or not pay for specified expenses incurred while serving on these missions or flights.

Only reimbursement of specified expenses, and per diem as provided for in CAPR 103-1, *Payment for Mission Support*, are allowed, and only at the rates and in accordance with the procedures set forth in the exemption and that regulation.

Pilots exercising pilot in command (PIC) privileges under this exemption may operate under BasicMed or an FAA medical certificate.

Reimbursement for member-furnished aircraft is included.

### **14 CFR Part 91, Subpart F – 14 CFR Part 119; § 91.501, et. seq.**

Exemption 18673B, (*renewed 31 January 2025 and expiring 31 January 2027*) provides regulatory relief to CAP when conducting specific reimbursable operations. This exemption applies to CAP flights that are within the scope of, and incidental to, CAPs congressionally chartered corporate purposes and its role as the official Auxiliary of the United States Air Force. CAP’s corporate purposes are codified in 36 U.S. Code § 40302.

Without this exemption, CAP operations involving reimbursement might fall under the commercial operation requirements of Part 119, specifically § 119.1(a)(3). These provisions regulate air carriers and commercial operators. However, § 119.1(a)(3) also references exceptions listed in § 91.501(b), which outlines types of operations that may be excluded from Part 119.

The challenge is that Subpart F of Part 91 (§§ 91.501–91.535) which includes § 91.501(b), only applies to large and turbine-powered multiengine airplanes and fractional ownership program aircraft, not to CAP’s predominantly small, piston-powered fleet. As such, CAP cannot normally claim these exceptions. The exemption resolves this issue as follows:

1. It grants relief from the requirements of § 119.1, allowing CAP to conduct certain reimbursable operations without operating as a certificated air carrier or commercial operator.
2. It conditions the relief on CAP complying with several of the requirements of Subpart F of Part 91, namely § 91.503 through § 91.535.

CAP is authorized to conduct any of the operations listed in § 91.501(b). The most relevant provisions to CAP include:

1. Transporting CAP officials, employees, guests, and property in CAP-operated aircraft when the transportation is within the scope of, and incidental to, CAP’s mission and operations (excluding air transportation as a business in itself). *Examples include a CAP aircraft transporting a teacher participating in a Teacher Orientation Program (TOP) flight to an airport other than the departure point as part of an educational mission, or repositioning a CAP aircrew and equipment to support an AFAM counterdrug reconnaissance sortie.*
2. Receiving limited reimbursement for such transportation, not exceeding the cost of owning, operating, and maintaining the aircraft. The rates provided in CAPR 103-1 reflect those costs.

To operate under this exemption, CAP must comply with several key requirements:

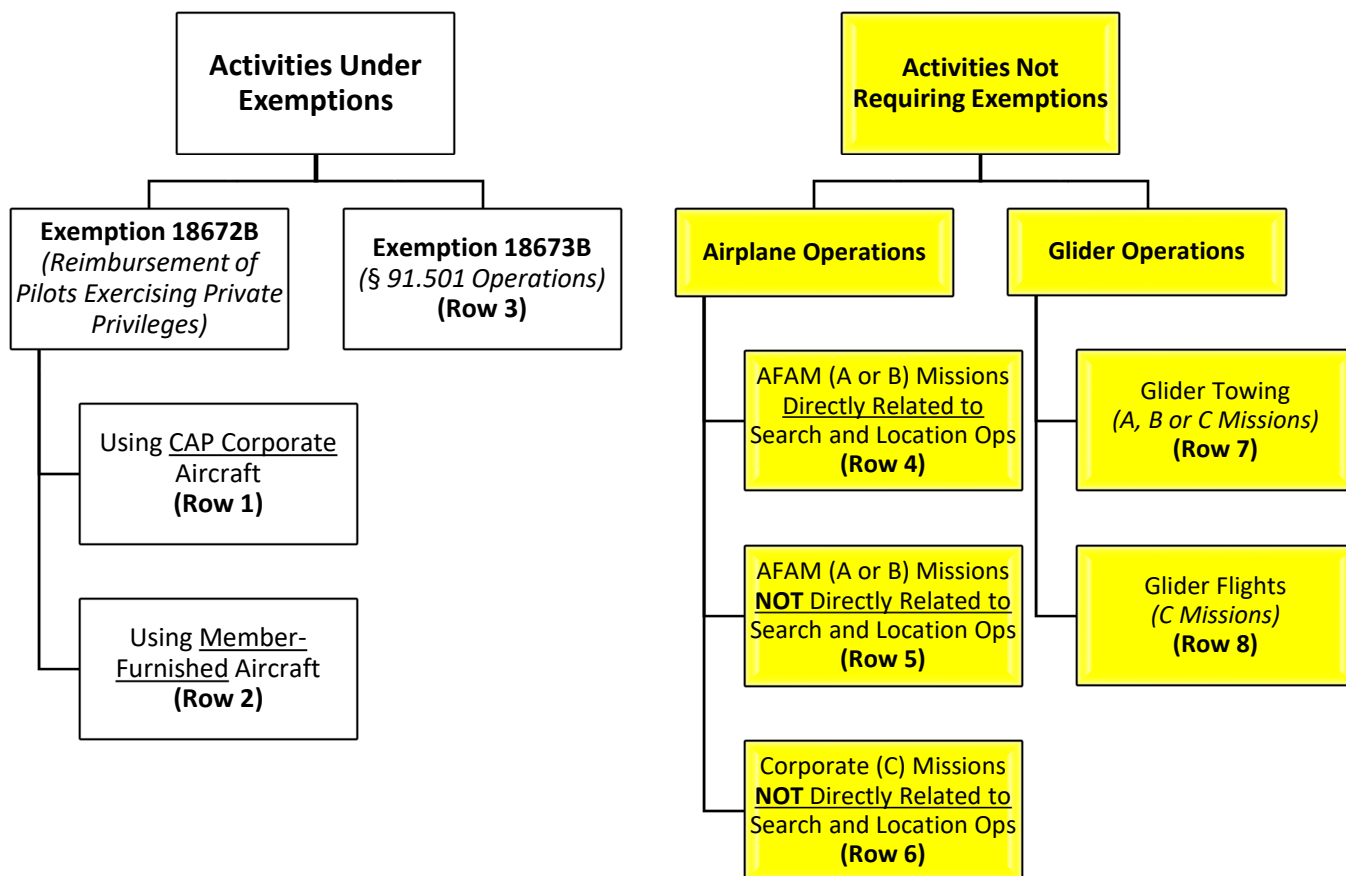
1. The PIC conducting operations under this exemption must hold at least a commercial pilot certificate with appropriate category and class ratings for the aircraft to be used in the operation. The PIC also must hold an instrument rating except when conducting day VFR flights within 50 nautical miles of the departure airport.
2. The PIC conducting operations under this exemption must hold at least a current second-class medical certificate.
3. The aircraft used for operations conducted under this exemption must be maintained and have 100-hour and annual inspections performed in accordance with 14 CFR Parts 43 and 91.

## Exemption Tables

The tables included in this section summarize the applicable FAA rules for various types of CAP missions, regardless of whether the exemptions apply to those types of missions or not. **Although every effort has been made to assure that the information in the table is accurate and duly reflects the regulatory environment we operate in, it is a summary and not the actual exemptions and regulations. Members having questions regarding the table or other matters addressed in this publication should address those questions through their Chain of Command.**

UNSHADED rows of the table address operations under CAP's FAA exemptions, which cover most CAP flight operations. **YELLOW SHADED** rows of the table identify operations that could be conducted without reliance on CAP's FAA exemptions, as they are otherwise permissible under the FAR. However, in practical application, CAP may still conduct these operations under the exemptions to ensure consistent compliance across mission types, particularly when reimbursement, carriage of additional CAP personnel, or pro rata cost considerations apply. *For example, a proficiency flight (A12) conducted as an AFAM may rely on Exemption 18672B to allow a pilot to log flight time while not paying their pro rata share of expenses. Similarly, certain search and rescue operations may fall under Exemption 18673B to permit the transport of other CAP members or equipment incidental to the mission.*

The following chart is provided as a visual aid to support the row structure of the table:



Row	Nature of Flight	Permitted Persons on Board	Aircraft	Privileges Exercised by PIC <sup>(2)</sup>	Permitted Reimbursement to PIC	Who May Log Time	Reference
1	Any AFAM (Not CAP Corporate Missions)	(a) CAP pilot crewmembers (b) other CAP members <sup>(10)</sup> (c) members of U.S. armed services (d) Non-flight-crewmembers officially authorized by CAP under CAPR 70-1 to aid in the performance of the approved flight activity	CAP Corporate Aircraft Only (For Member-Furnished Aircraft, see Row 2)	Private or Commercial	<u>Commercial:</u> Any <u>Private:</u> (a) aircraft operating expenses limited to fuel, oil, supplemental oxygen, fluids, lubricants, servicing, and maintenance of the aircraft directly related to the CAP mission; (b) non-air operating expenses directly related to the CAP mission, limited to preheating, deicing, and airport expenses; and (c) if operational considerations require an overnight stay away from the pilot's home base and while on a CAP mission, per diem up to amounts stated in CAPR 103-1.	Any pilot may log time or events as and if permitted by § 61.51 <sup>(3) (4)</sup>	<a href="#">Exemption 18672B</a> <a href="#">§ 1.1</a> <a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">CAPR 70-1</a> <a href="#">CAPR 103-1</a>
2	Any AFAM (Not CAP Corporate Missions)	(a) CAP pilot crewmembers (b) other CAP members <sup>(10)</sup> (c) members of U.S. armed services (d) Non-flight-crewmembers officially authorized by CAP under CAPR 70-1 to aid in the performance of the approved flight activity	Member-Furnished Aircraft <sup>(8)</sup> Only (For CAP Corporate Aircraft, see Row 1)	Private or Commercial	<u>Commercial:</u> Any <u>Private:</u> (a) Aircraft operating expenses at the fixed rate in CAPR 103-1; (b) non-air operating expenses directly related to the CAP mission, limited to preheating, deicing, and airport expenses; and (c) if operational considerations require an overnight stay away from the pilot's home base and while on a CAP mission, per diem up to amounts stated in CAPR 103-1.	Any pilot may log time or events as and if permitted by § 61.51 <sup>(3) (4)</sup>	<a href="#">Exemption 18672B</a> <a href="#">§ 1.1</a> <a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">CAPR 70-1</a> <a href="#">CAPR 103-1</a>

Row	Nature of Flight	Permitted Persons on Board	Aircraft	Privileges Exercised by PIC <sup>(2)</sup>	Permitted Reimbursement to PIC	Who May Log Time	Reference
3	Any AFAM or CAP Corporate Missions <sup>(11)</sup> conducting any flights as described in § 91.501(b) <sup>(12)</sup> or for the carriage of CAP officials, employees, guests, and/or property <sup>(10)</sup>	Persons permitted by § 91.501(b) and other property	CAP Corporate Aircraft Only	Commercial Only (Requires instrument rating if other than day VFR within 50 nm of departure airport)	<u>Commercial:</u> Any <u>Private:</u> Any	Any pilot may log time or events as and if permitted by § 61.51 <sup>(3)(4)</sup>	<a href="#">Exemption 18673B</a> <a href="#">§ 61.51</a> <a href="#">§ 61.57</a> 14 CFR <a href="#">Part 91, Subpart F</a> (§§ 91.501 to 91.535)
4	AFAMs (A or B Missions) (other than glider tow) directly related to search and location operations as contemplated by § 61.113(e) (Flights under the following Mission Symbols: A1, A5, A7, A12, A23, A31, B5, B7, B10, B12, B13, B14, B21, B23, B31)	Any person permitted by CAP regulations <sup>(10)</sup>	CAP Corporate Aircraft or Member-Furnished Aircraft <sup>(8)</sup>	Private or Commercial	<u>Commercial:</u> Any <u>Private:</u> Aircraft operating expenses that are directly related to search and location operations, provided the expenses involve only fuel, oil, airport expenditures, and/or rental fees	Private or Commercial may log time as and if permitted by § 61.51 <sup>(3)(4)</sup>	<a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">§ 61.113</a> <a href="#">CAPR 39-2</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>

Row	Nature of Flight	Permitted Persons on Board	Aircraft	Privileges Exercised by PIC <sup>(2)</sup>	Permitted Reimbursement to PIC	Who May Log Time	Reference
5	AFAMs (A or B Missions) (other than glider tow) <b>not</b> directly related to search and location operations as contemplated by § 61.113(e)	Any person permitted by CAP regulations <sup>(10)</sup>	CAP Corporate Aircraft or Member-Furnished Aircraft <sup>(8)</sup>	Private or Commercial	<u>Commercial:</u> Any <sup>(14)</sup> <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by § 61.51 Private may log time if <u>acts as PIC</u> and <u>does</u> pay at least pro rata expenses <sup>(7)</sup> <ul style="list-style-type: none"> <li>If Private <u>does not act as PIC</u> (e.g., when the CAP IP acts as PIC), Private may log takeoffs/ landings, approaches, etc. required by § 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per § 61.51(e)(3), even if exercising only private privileges<sup>(3) (4)</sup></li> </ul>	<a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">§ 61.113</a> <a href="#">FAA Interpretation 1997-23 (Harrington)</a> <a href="#">CAPR 39-2</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>

*Note: Row 5 primarily applies in the absence of a current FAA exemption (for example, if Exemption 18672B were to expire or not be in effect). Under normal operating conditions, CAP pilots conducting non-search and rescue AFAMs are covered by Exemption 18672B, which provides relief from the pro rata expense limitation in § 61.113 and authorizes reimbursement consistent with CAPR 103-1. Therefore, pilots may log flight time for these missions without contributing a pro rata share of expenses when operating under the exemption.*

Row	Nature of Flight	Permitted Persons on Board	Aircraft	Privileges Exercised by PIC <sup>(2)</sup>	Permitted Reimbursement to PIC	Who May Log Time	Reference
6	CAP Corporate Missions (C Missions) ( <i>other than glider tow</i> ) <b>not</b> directly related to search and location operations as contemplated by § 61.113(e)	Any person permitted by CAP regulations <sup>(10)</sup>	CAP Corporate Aircraft or Member-Furnished Aircraft <sup>(8)</sup>	Private or Commercial	<u>Commercial:</u> Any <sup>(14)</sup> <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by § 61.51 Private may log time if <u>acts as PIC</u> and <u>does</u> pay at least pro rata expenses <sup>(7)</sup> <ul style="list-style-type: none"> <li>If Private <u>does not act as PIC</u> (<i>e.g., when the CAP IP acts as PIC</i>), Private may log takeoffs/ landings, approaches, etc. required by § 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by § 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per § 61.51(e)(3), even if exercising only private privileges<sup>(3) (4)</sup></li> </ul>	<a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">§ 61.113</a> <a href="#">FAA Interpretation 1997-23 (Harrington)</a> <a href="#">CAPR 39-2</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>
7	Glider tows ( <i>using a tow plane</i> ) under AFAMs or CAP Corporate Missions	Tow pilot. May also include trainee if permitted by CAPR 70-1.	CAP corporate or member-furnished <sup>(8)</sup>	Private or Commercial. Qualified to tow per § 61.69 <sup>(13)</sup>	<u>Commercial:</u> Any <sup>(14)</sup> <u>Private:</u> Any	Any pilot may log time or events as and if permitted by § 61.51 <sup>(3) (4)</sup>	<a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">§ 61.69</a> <a href="#">§ 61.113</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>



Row	Nature of Flight	Permitted Persons on Board	Aircraft	Privileges Exercised by PIC <sup>(2)</sup>	Permitted Reimbursement to PIC	Who May Log Time	Reference
8	Glider flights under CAP Corporate Missions	Any person permitted by CAP regulations <sup>(10)</sup>	CAP Corporate Aircraft or Member-Furnished Aircraft <sup>(8)</sup>	Private or Commercial	<u>Commercial:</u> Any <sup>(14)</sup> <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by § 61.51 Private may log time if <u>acts as PIC</u> and <u>does</u> pay at least pro rata expenses <sup>(7)</sup> <ul style="list-style-type: none"> <li>If Private <u>does not act as PIC</u> (e.g., when the CAP IP acts as PIC), Private may log takeoffs/ landings, approaches, etc. required by § 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by § 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per § 61.51(e)(3), even if exercising only private privileges<sup>(3) (4)</sup></li> </ul>	<a href="#">§ 61.51</a> <a href="#">§ 61.57</a> <a href="#">§ 61.113</a> <a href="#">FAA Interpretation 1997-23 (Harrington)</a> <a href="#">CAPR 39-2</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>

## Table Notes

### (1) [Reserved.]

### (2) Privileges Exercised.

**“Commercial”** is a pilot who is qualified to exercise commercial pilot privileges. (*i.e. holds an ATP or Commercial Pilot Certificate with at least commercial privileges in the applicable category and class and, if other than glider, a valid medical certificate carrying at least Class 1 or Class 2 privileges*)

**“Private”** is a pilot who is qualified to exercise only private pilot privileges. (*i.e. holds an ATP, Commercial, or Private Pilot Certificate with at least private privileges in the applicable category and class and, if other than glider, a valid medical certificate carrying at least Class 3 privileges, or BasicMed*)

Note: BasicMed restrictions apply to airmen operating under BasicMed (e.g., aircraft limited to MTOW of not more than 12,500 pounds and seven seats, etc.) and (ii) glider flying requires no medical certificate or BasicMed and is instead subject to § 61.23(b) and § 61.53(b).

### (3) Medical Requirements for Instructors. A CFI may provide flight instruction in powered aircraft (other than gliders) if they hold a valid medical certificate with at least third-class privileges or are operating under BasicMed.

### (4) Compensation/Logging Time for Instructors. A CFI who receives compensation (including flight time, currency, or reimbursement) for providing instruction is doing so under their instructor certificate and not their pilot certificate ([62 Federal Register 16242](#)). Therefore, unless the CFI is acting as PIC for compensation or hire outside the instructional context, they do **not** need to be able to exercise the privileges of their commercial certificate, more specifically, they do not need to hold a second-class medical and may operate under BasicMed ([FAA AC 68-1A](#)).

### (5) [Reserved.]

### (6) [Reserved.]

### (7) Pro Rata Expenses. Per § 61.113(c), “A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.” In the case of gliders, the expenses would be the per-flight fee payable to CAP NHQ for use of the glider.

Note: § 61.1 was amended effective 2 December 2024 to add a definition of “passenger.” “Passenger means any person on board an aircraft other than a crewmember, FAA personnel, manufacturer personnel required for type certification, or a person receiving or providing flight training, checking, or testing as authorized by [Part 61].” § 1.1 continues to state that “‘Crewmember’ means a person assigned to perform duty in an aircraft during flight time.” CAP pilots exercising private privileges who wish to rely on the “pro rata” provision to pay less than the full cost of the flight should be diligent in determining which persons aboard the aircraft count as those among whom the costs may be allocated. Carrying “passengers” is the condition that invokes § 61.113. The regulations do not expressly say that the pro rata calculation cannot include crewmembers as well as passengers, but the safest construction is to count only passengers in the pro rata calculation.

### (8) Member-Furnished Aircraft. Where a member furnishes the aircraft and also acts as aircrew, Wing DO consultation is advisable prior to operation to assure that the operation can be conducted under 14 CFR Part 91 and that a “wet lease” (*providing both aircraft and aircrew, which risks requiring Part 135 certification*) is not inadvertently created.

### (9) Acting as PIC vs. Logging PIC Time. Acting as PIC (*see, e.g., § 1.1 and § 61.113*) is entirely different from logging PIC time (*see § 61.51*). **An airman need not act as PIC to log PIC time.** § 61.51 provides, in the parts most relevant to CAP, that a pilot may log PIC time:

- *When the pilot is the sole manipulator of the controls of an aircraft for which the pilot is rated . . . [§ 61.51(e)(1)(i)]*
- *When the pilot . . . acts as pilot in command of an aircraft for which more than one pilot is required under. . . the regulations under which the flight is conducted [§ 61.51] Note that § 91.109(c)(1) requires a safety pilot when the other pilot is operating with a view-limiting device, so the safety pilot may log PIC time under such circumstances.*
- *A certificated flight instructor may log pilot in command flight time for all flight time while serving as the authorized instructor in an operation if the instructor is rated to act as pilot in command of that aircraft. [§ 61.51(e)(3)]*

**(10) CAP Members; Persons Permitted by CAP Regulations.** Different categories of membership carry different flight privileges. In general, senior members, cadets, and federal and state legislative members are permitted to fly in CAP aircraft, subject to CAPR 70-1, *CAP Flight Management*, and any other applicable regulations. Other CAP members are limited by CAPR 39-2, *Civil Air Patrol Membership*, to include the following:

- Patron members may **not** ride in, or fly, CAP aircraft. This prohibition extends to member-owned aircraft conducting CAP flights.
- Prospective cadets (*youth who are not yet CAP cadet members*) are **not** permitted to fly with CAP.
- Aerospace Education Members (AEMs) are **not** authorized to fly in CAP corporate aircraft **unless**, and then only when, participating in the CAP Teacher Orientation Program (TOP).
  - Note: CAP presently contemplates that all TOP flights will be flown as AFAMs and not CAP Corporate Missions.

**(11) A and B Missions.** In the renewal of Exemption 18673 (*18673B*), the FAA clarified that the exemption covers all A and B Missions. This resolved confusion by some members over the wording, “CAP’s corporate purposes” and questions about whether the exemption applied solely to C Missions. The exemption applies to all A and B missions and to the C missions that meet the description in the exemption.

**(12) § 91.501(b) Activities.** The permitted activities under § 91.501(b), as they practically apply to CAP, are as follows:

- (1) *Ferry or training flights;*
- (2) *Aerial work operations such as aerial photography or survey, or pipeline patrol, but not including firefighting operations;*
- (5) *Carriage of officials, employees, guests, and property of [CAP] on an airplane operated by [CAP] . . . when the carriage is within the scope of, and incidental to, the business of [CAP] (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane [here meaning the CAPR 103-1 rates], except that no charge of any kind may be made for the carriage of a guest of [CAP], when the carriage is not within the scope of, and incidental to, the business of [CAP];*
- (7) *The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage is within the scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in paragraph (d) of this section;*
- Note: [Square-bracketed] language is added for clarification. Language (in parentheses) appears this way in the regulation.

**(13) Glider Tow Pilots.** § 61.113(g) contains an exclusion from the prohibition from compensation or hire: “A private pilot who meets the requirements of § 61.69 may act as a pilot in command of an aircraft towing a glider or unpowered ultralight vehicle.”

**(14) Commercial Pilot Privileges and Part 119.** Possessing a commercial pilot certificate does *not* independently authorize the conduct of passenger-carrying flights for reimbursement or hire. Under 14 CFR § 119.1(a)(3), such operations generally require certification as an air carrier or commercial operator unless specifically excluded under § 119.1(e) or authorized by an FAA exemption. Accordingly, AFAM or CAP corporate missions involving the carriage of persons (even CAP members) may only be conducted for reimbursement when operating under the authority of Exemption 18673B. In the absence of that exemption, such operations must comply strictly with the limitations of Part 91 (i.e., no compensation or hire for carriage of persons).