



# Guide to FAA Exemptions

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## CAP AIRCRAFT OPERATIONS UNDER FAR EXEMPTIONS

**Revisions since February 2023 Version.** This version of CAPP 70-1 reflects several updates since the February 2023 version.

- The FAA renewed and modified Exemption 18672A (now 18672B) effective 30 January 2025, expiring 31 January 2027. As to orientation flights, the exemption has reverted from the “*all USAF/CAP approved orientation flights*” language of 18672A to the original 18672 language: “*official United States Air Force (USAF) – assigned CAP missions including CAP/Air Force Reserve Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) orientation flights.*” That said, it continues to say in the conditions that “*the relief provided by this exemption includes flights operated by CAP for the purpose of USAF/CAP approved orientation flights.*”
- The FAA renewed Exemption 18673A (now 18632B) effective 31 January 2025, expiring 31 January 2027. The FAA changed the regulatory basis under which the exemption is granted (from FAR Part 91 Subpart F to FAR Part 119), but the operational effect remains the same as it was under 18673A. In the petition for the exemption, CAP requested a modification of the scope of the activities covered by the exemption. The FAA did not include the requested modification in the renewal but indicated that it continues to consider that modification. If subsequent FAA action modifies the exemption, CAP will update this pamphlet accordingly.
- On 15 November 2024, the FAA revised the privileges that a pilot may exercise under BasicMed, raising the number of seats to seven and the maximum takeoff weight to 12,500 lbs. The notes that take into account BasicMed have been updated accordingly.
- Other revisions to this pamphlet do not result from changes to the exemptions, and merely clarify the content of this pamphlet.

**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 are always operated under the FARs, and not under Title 10 (Armed Forces).

**FAA Exemptions for CAP Operations:** All CAP operations are conducted under the FARs unless specifically exempted by the FAA. CAP has exemptions in two areas.

### 1. FAR Part 61 – Reimbursement of Private Pilots on AFAMs (A and B Missions) – FAR 61.113(a) and (e)

- The FAA exemption from FAR 61.113(a) and (e), [Exemption 18672B](#) (renewed 30 January 2025 and expiring 31 January 2027) allows CAP members who are exercising private pilot privileges while serving on official Air Force Assigned CAP Missions, including CAP/Air Force Reserve Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) cadet orientation flights to be reimbursed for, or not pay for certain expenses incurred while serving on these missions or flights.
- 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.
- Only reimbursement of specified expenses, and per diem as provided for in CAPR 173-3, *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.

## 2. FAR Part 91, Subpart F – FAR Part 119; FAR 91.501, et. seq.

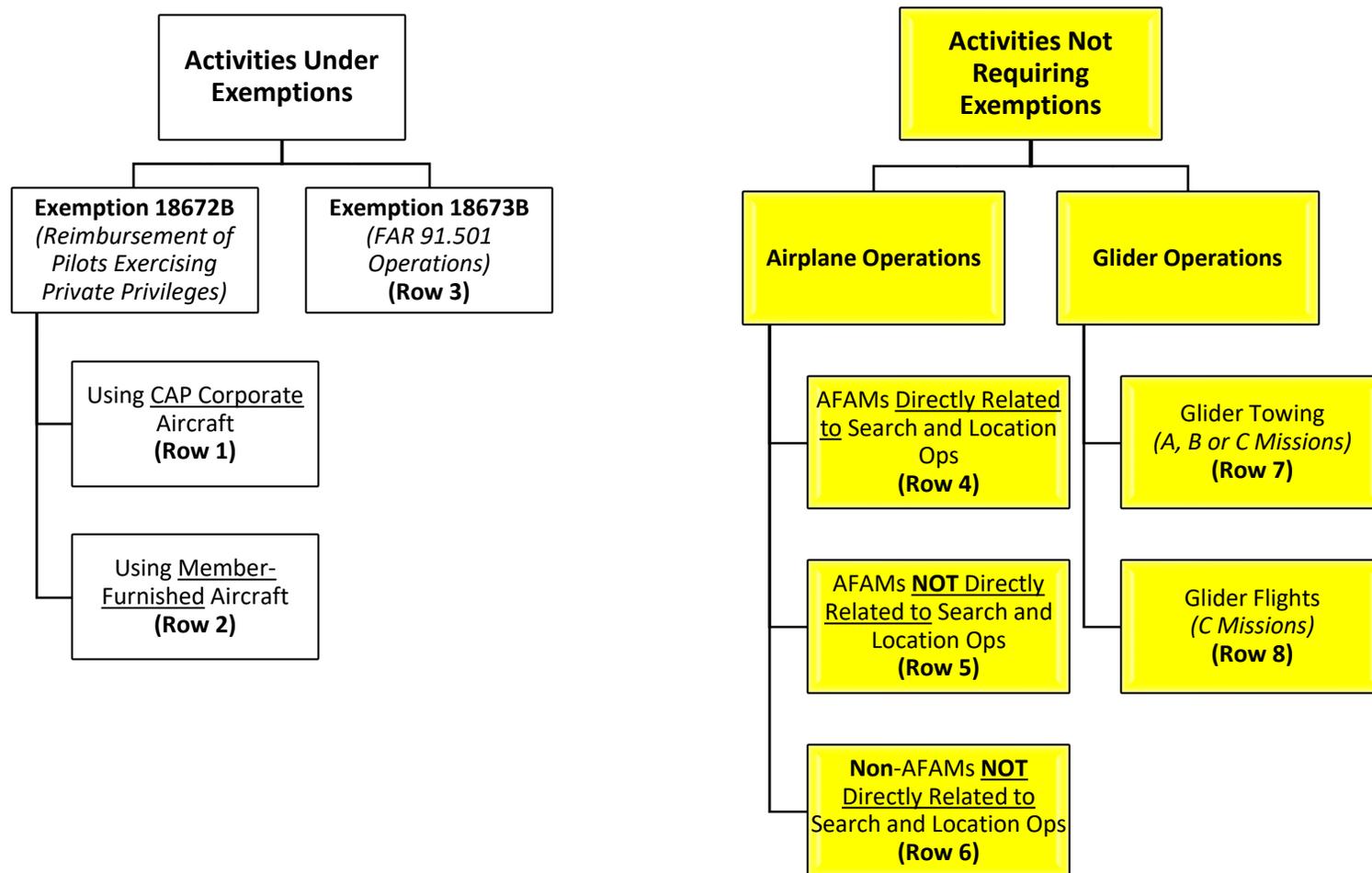
- [Exemption 18673B](#), (renewed 31 January 2025 and expiring 31 January 2027) applies to CAP flights within the scope of, and incidental to, CAP's corporate purposes and United States Air Force Auxiliary status.
- The exemption allows CAP to operate its aircraft under [Subpart F of FAR Part 91](#), which ordinarily applies to corporate-jet operators who move their employees and guests around using those aircraft.
- CAP can receive limited payment while operating small aircraft under the General Operating and Flight Rules of FAR Part 91 instead of Part 135. A condition of that grant is that CAP must follow the rules of FAR 91.501 to 91.535.
- The exemption allows CAP to do the items listed in FAR 91.501(b). FAR 501(b) contains 10 activities. The activity in that list that is most applicable to CAP's operations is FAR 91.501(b), which, when read together with the exemption, amounts to the following:
  - Carrying officials, employees, guests, and property of CAP on an airplane operated by CAP when the carriage is within the scope of, and incidental to, CAP's business (other than transportation by air); and
  - Receiving payment (not more than the cost of owning, operating, and maintaining the airplane).
- 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.
- The PIC conducting operations under this exemption must hold at least a current second-class medical certificate.
- The aircraft used for operations conducted under this exemption must be maintained and have 100-hour and annual inspections performed in accordance with FAR Parts 43 and 91.

The table included in this section summarizes 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 address operations other than under CAP’s FAA exemptions.

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 <sup>(5)</sup>	(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 <i>(For Member-Furnished Aircraft, see Row 2)</i>	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 173-3.	Any pilot may log time or events as and if permitted by FAR 61.51 <sup>(3)(4)</sup>	<a href="#">Exemption 18672B</a> <a href="#">FAR 1.1</a> <a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">CAPR 70-1</a> <a href="#">CAPR 173-3</a>
2	Any AFAM <sup>(5)</sup>	(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 <i>(For CAP Corporate Aircraft, see Row 1)</i>	Private or Commercial	<u>Commercial:</u> Any <u>Private:</u> (a) Aircraft operating expenses at the fixed rate in CAPR 173-3; (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 173-3.	Any pilot may log time or events as and if permitted by FAR 61.51 <sup>(3)(4)</sup>	<a href="#">Exemption 18672B</a> <a href="#">FAR 1.1</a> <a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">CAPR 70-1</a> <a href="#">CAPR 173-3</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	AFAMs <sup>(11)</sup> or CAP Corporate Missions conducting any flights as described in FAR 91.501(b) <sup>(12)</sup> or for the carriage of CAP officials, employees, guests, and/or property <sup>(10)</sup>	Persons permitted by FAR 91.501(b) and other property	CAP Corporate Aircraft Only	Commercial Only <i>(Requires instrument rating if other than day VFR within 50 nm of departure airport)</i>	<u>Commercial:</u> Any <u>Private:</u> Any	Any pilot may log time or events as and if permitted by FAR 61.51 <sup>(3) (4)</sup>	<a href="#">Exemption 18673B</a> <a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR Part 91, Subpart F (FAR 91.501 to 91.535)</a>
4	AFAMs <i>(other than glider tow)</i> directly related to search and location operations as contemplated by FAR 61.113(e) <i>(Flights under the following Mission Symbols: A1, A5, A7, A12, A23, A31, B5, B7, B10, B12, B13, B14, B21, B23)</i>	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 FAR 61.51 <sup>(3) (4)</sup>	<a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR 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 ( <i>other than glider tow</i> ) <u>not</u> directly related to search and location operations as contemplated by FAR 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 <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by FAR 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 FAR 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by FAR 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per FAR 61.51(e)(3), even if exercising only private privileges<sup>(3)(4)</sup></li> </ul>	<a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR 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>
6	CAP Corporate Missions ( <i>other than glider tow</i> ) <u>not</u> directly related to search and location operations as contemplated by FAR 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 <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by FAR 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 FAR 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by FAR 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per FAR 61.51(e)(3), even if exercising only private privileges<sup>(3)(4)</sup></li> </ul>	<a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR 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>

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
7	Glider tows (using a tow plane) 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 FAR 61.69 <sup>(13)</sup>	<u>Commercial:</u> Any <u>Private:</u> Any	Any pilot may log time or events as and if permitted by FAR 61.51 <sup>(3) (4)</sup>	<a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR 61.69</a> <a href="#">FAR 61.113</a> <a href="#">CAPR 70-1</a> <a href="#">CAPS 72-2</a>
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 <u>Private:</u> None in excess of pro rata expenses <sup>(7)</sup>	Commercial may log time as and if permitted by FAR 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 FAR 61.57 and PIC time to the extent that the pilot is the sole manipulator of the flight controls, as and if permitted by FAR 61.51(e)<sup>(9)</sup></li> <li>Instructors may log time while serving as an authorized instructor per FAR 61.51(e)(3), even if exercising only private privileges<sup>(3) (4)</sup></li> </ul>	<a href="#">FAR 61.51</a> <a href="#">FAR 61.57</a> <a href="#">FAR 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 FAR 61.23(b) and 61.53(b).

(3) **Instructors.** CFI in category and, if other than glider, has a valid medical certificate carrying at least Class 3 privileges, or BasicMed.

(4) **Compensation and Instructors.** Any compensation received by a CFI, whether loggable flight time, reimbursement, or otherwise, is presumptively under the CFI’s instructor certificate, not the CFI’s pilot certificate. A CFI need not exercise commercial privileges (*or any other privileges greater than private*) while instructing and need only exercise private privileges as it relates to serving as PIC. See [62 Federal Register 16220, 16242](#); [FAA AC 68-1A](#).

(5) **Missions Covered by Exemption 18672B.** *“Official United States Air Force (USAF) -assigned CAP missions including CAP/Air Force Reserve Officer Training Corps (AFROTC) and Air Force Junior Reserve Officer Training Corps (AFJROTC) cadet orientation flights.”* The exemption further characterizes the flights as *“those flights that are directly related to USAF-assigned missions or missions assigned by the USAF in accordance with memoranda of understanding with United States Government agencies and are within the CAP’s purpose as defined within Title 36 of the United States Code, part B, chapter 403, section 40302. The relief provided by this exemption includes flights operated by CAP for the purpose of USAF/CAP approved orientation flights.”*

(6) [Reserved.]

(7) **Pro Rata Expenses.** Per FAR 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: FAR 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].”* FAR 61.1 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 FAR 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 FAR 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., FAR 1.1 and 61.113) is entirely different from logging PIC time (see FAR 61.51). **An airman need not act as PIC to log PIC time.** FAR 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 . . . [FAR 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 [FAR 61.51] [Note that FAR 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. [FAR 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 on 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) FAR 91.501(b) Activities.** The permitted activities under FAR 91.501, 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 fire fighting 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 173-3 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.** FAR 61.113(g) contains an exclusion from the prohibition from compensation or hire: “A private pilot who meets the requirements of FAR 61.69 may act as a pilot in command of an aircraft towing a glider or unpowered ultralight vehicle.”