



OFFICE OF THE NATIONAL COMMANDER  
NATIONAL HEADQUARTERS  
CIVIL AIR PATROL  
UNITED STATES AIR FORCE AUXILIARY  
MAXWELL AIR FORCE BASE, ALABAMA 36112-6332

10 September 2004

MEMORANDUM FOR ALL NATIONAL BOARD MEMBERS

FROM: CAP/CC

SUBJECT: FAA Ruling on CAP and AFROTC Cadet Orientation Flights

1. In order to protect our pilot-members the Air Force and CAP requested and received an interpretation from the FAA regarding the conduct of CAP and AFROTC Cadet Orientation Flights. In order to conform with present FAA guidance, while we may not like it, CAP must simply modify the way we currently conduct these orientation flights.

a. To the extent we have funding CAP-Cadet powered orientation flights will continue to be reimbursed to wings and pilots from appropriated funds. However, since these are no longer Air Force assigned missions, the FAA exemption permitting private pilots to be reimbursed for these missions is no longer applicable. The FAA has interpreted logging flight time when CAP is paying the operating costs of the aircraft as a benefit to the pilot and somehow stretched that "benefit" into a type of "compensation". Therefore, to avoid receiving "compensation" under the FAA definition, private pilots cannot log flight time associated with the CAP powered cadet orientation flights, including the flight to and from the orientation flight location. Flight time may be logged by a commercial pilot or ATP holding a current first or second class medical certificate.

b. Within the allocated funds for this purpose, payment for glider tows for CAP cadet orientation flights will continue to be reimbursed to wings and pilots from corporate funds. There is a special provision in the Federal Aviation Regulations, at 61.113(g), that permits a private pilot who meets the requirements of FAR 61.59 to act as pilot in command of an aircraft towing a glider. The FAA has interpreted this provision to mean that a private tow pilot may log the flight time, although he/she may not receive other compensation. However, private glider pilots cannot log glider time on cadet orientation flights.

c. AFROTC Orientation Flights will continue to be reimbursed to wings and pilots from appropriated funds. However, since the funding source for these flights comes from the AFROTC program, which is other than our Congressional appropriation for operations and maintenance, only members holding a commercial pilot license or ATP and current first or second class medical certificate can fly these missions.

2. AF/XOS-HA is working through AF channels to get CAP cadet orientation flights reinstated as an Air Force mission and then our private pilots would be able to log the time. This will resolve the problem CAP has with cadet orientation flights. The Air Force and CAP will continue to work jointly to resolve the FAA issue with AFROTC Orientation Flights.



DWIGHT H. WHELESS  
Major General, CAP  
Commander

cc:  
HQ AF/XOS-HA  
BoG Chairman and Vice Chairman  
HQ CAP/EX/XP/DO/NOC/LM/GC/IG/EXI  
CAP-USAF/CC/CV/XO/IG/JA  
CAP-USAF LR/CC  
AFROTC/CC/DO  
State Directors