

pilot from complying with (a) or (b) above, the pilot must report immediately after departure: the time of departure, the altitude, and the estimated time of arrival over the first reporting point along the flight route.

3. Foreign civil aircraft. If the pilot of a foreign civil aircraft that intends to enter the U.S. through an ADIZ cannot comply with the reporting requirements in subparagraphs c1 or c2 above, as applicable, the pilot must report the position of the aircraft to the appropriate aeronautical facility not less than 1 hour and not more than 2 hours average direct cruising distance from the U.S.

d. Land-Based ADIZ. Land-Based ADIZ are activated and deactivated over U.S. metropolitan areas as needed, with dimensions, activation dates and other relevant information disseminated via NOTAM. Pilots unable to comply with all NOTAM requirements must remain clear of Land-Based ADIZ. Pilots entering a Land-Based ADIZ without authorization or who fail to follow all requirements risk interception by military fighter aircraft.

e. Exceptions to ADIZ requirements.

1. Except for the national security requirements in paragraph 5-6-2, transponder requirements in subparagraph 5-6-4b1, and position reporting in subparagraph 5-6-4c, the ADIZ requirements in 14 CFR Part 99 described in this section do not apply to the following aircraft operations pursuant to Section 99.1(b), Applicability:

(a) Within the 48 contiguous States or within the State of Alaska, on a flight which remains within 10 NM of the point of departure;

(b) Operating at true airspeed of less than 180 knots in the Hawaii ADIZ or over any island, or within 12 NM of the coastline of any island, in the Hawaii ADIZ;

(c) Operating at true airspeed of less than 180 knots in the Alaska ADIZ while the pilot maintains a continuous listening watch on the appropriate frequency; or

(d) Operating at true airspeed of less than 180 knots in the Guam ADIZ.

2. An FAA air route traffic control center (ARTCC) may exempt certain aircraft operations on a local basis in concurrence with the DOD or pursuant to an agreement with a U.S. Federal security or

intelligence agency. (See 14 CFR 99.1 for additional information.)

f. A VFR flight plan filed inflight makes an aircraft subject to interception for positive identification when entering an ADIZ. Pilots are therefore urged to file the required DVFR flight plan either in person or by telephone prior to departure when able.

5-6-5. Civil Aircraft Operations To or From U.S. Territorial Airspace

a. Civil aircraft, except as described in subparagraph 5-6-5b below, are authorized to operate to or from U.S. territorial airspace if in compliance with all of the following conditions:

1. File and are on an active flight plan (IFR, VFR, or DVFR);

2. Are equipped with an operational transponder with altitude reporting capability, and continuously squawk an ATC assigned transponder code;

3. Maintain two-way radio communications with ATC;

4. Comply with all other applicable ADIZ requirements described in paragraph 5-6-4 and any other national security requirements in paragraph 5-6-2;

5. Comply with all applicable U.S. Customs and Border Protection (CBP) requirements, including Advance Passenger Information System (APIS) requirements (see subparagraph 5-6-5c below for CBP APIS information), in accordance with 19 CFR Part 122, *Air Commerce Regulations*; and

6. Are in receipt of, and are operating in accordance with, an FAA routing authorization if the aircraft is registered in a U.S. State Department-designated special interest country or is operating with the ICAO three letter designator (3LD) of a company in a country listed as a U.S. State Department-designated special interest country, unless the operator holds valid FAA Part 129 operations specifications. VFR and DVFR flight operations are prohibited for any aircraft requiring an FAA routing authorization. (See paragraph 5-6-11 for FAA routing authorization information).

b. Civil aircraft registered in the U.S., Canada, or Mexico with a maximum certificated takeoff gross weight of 100,309 pounds (45,500 kgs) or less that are