

approved TSA aviation security program (see paragraph 5-6-10 for TSA aviation program information) or operating with, and in accordance with, an FAA/TSA airspace waiver (see paragraph 5-6-9 for FAA/TSA airspace waiver information).

e. 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 operating without an operational transponder and/or the ability to maintain two-way radio communications with ATC, are authorized to transit U.S. territorial airspace over Alaska if in compliance with all of the following conditions:

1. Enter and exit U.S. territorial airspace over Alaska north of the fifty-fourth parallel;
2. File and are on an active flight plan;
3. Squawk 1200 if VFR and equipped with a transponder.
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.

5-6-8. Foreign State Aircraft Operations

a. Foreign state aircraft are authorized to operate in U.S. territorial airspace if in compliance with all of the following conditions:

1. File and are on an active IFR flight plan;
2. Equipped with an operational transponder with altitude reporting capability and continuously squawk an ATC assigned transponder code;
3. Equipped with an operational ADS-B Out when operating in airspace specified in 14 CFR 91.225;
4. Maintain two-way radio communications with ATC; and
5. Comply with all other applicable ADIZ requirements described in paragraph 5-6-4 and any other national security requirements in paragraph 5-6-2.

b. Diplomatic Clearances. Foreign state aircraft may operate to or from, within, or in transit of U.S. territorial airspace only when authorized by the U.S. State Department by means of a diplomatic

clearance, except as described in subparagraph 5-6-8i below.

1. Information about diplomatic clearances is available at the U.S. State Department website <https://www.state.gov/diplomatic-aircraft-clearance-procedures-for-foreign-state-aircraft-to-operate-in-united-states-national-airspace/> (lower case only).

2. A diplomatic clearance may be initiated by contacting the U.S. State Department via email at DCAS@state.gov or via phone at (202) 453-8390.

NOTE-

A diplomatic clearance is not required for foreign state aircraft operations that transit U.S. controlled oceanic airspace but do not enter U.S. territorial airspace. (See subparagraph 5-6-8d for flight plan information.)

c. An FAA routing authorization for state aircraft operations of special interest countries listed in subparagraph 5-6-11b. is required before the U.S. State Department will issue a diplomatic clearance for such operations. (See subparagraph 5-6-11 for FAA routing authorizations information).

d. Foreign state aircraft operating with a diplomatic clearance must navigate U.S. territorial airspace on an active IFR flight plan, unless specifically approved for VFR flight operations by the U.S. State Department in the diplomatic clearance.

NOTE-

Foreign state aircraft operations to or from, within, or transiting U.S. territorial airspace; or transiting any U.S. controlled oceanic airspace, should enter ICAO code M in Item 8 of the flight plan to assist in identification of the aircraft as a state aircraft.

e. A foreign aircraft that operates to or from, within, or in transit of U.S. territorial airspace while conducting a state aircraft operation is not authorized to change its status as a state aircraft during any portion of the approved, diplomatically cleared itinerary.

f. A foreign aircraft described in subparagraph 5-6-8e above may operate from or within U.S. territorial airspace as a civil aircraft operation, once it has completed its approved, diplomatically cleared itinerary, if the aircraft operator is:

1. A foreign air carrier that holds valid FAA Part 129 operations specifications; and
2. Is in compliance with all other requirements applied to foreign civil aircraft operations from or