



## DoD DIRECTIVE 4500.54E

### DoD FOREIGN CLEARANCE PROGRAM

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<b>Approved by:</b>	Kathleen H. Hicks, Deputy Secretary of Defense

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**Purpose:** This issuance:

- Establishes policy, assigns responsibilities, and prescribes requirements for obtaining required U.S. Government and foreign national government clearances for:
  - DoD personnel prior to travel to foreign territory.
  - DoD aircraft operating in international and foreign national airspace.
  - Use of foreign-national airfields by DoD state aircraft.
- Implements national policy on sovereignty of state aircraft and payment of state aircraft air navigation, overflight, landing, parking, or other use fees in foreign-managed and foreign-national airspace and at foreign-national airfields.
- Designates the Secretary of the Air Force as the DoD Executive Agent (EA) for the DoD Foreign Clearance Program (FCP) in accordance with DoD Directive (DoDD) 5101.01.
- Provides guidance for non-DoD agencies that utilize FCP policies, procedures, and systems on a voluntary basis, by agreement with the DoD EA for the FCP.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.**

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

### **1.2. POLICY.**

DoD Components will comply with FCP responsibility requirements in Section 2 and policy requirements in Section 3 when planning, approving, and conducting:

- a. Personnel travel to foreign locations; or
- b. State aircraft flights in international airspace, in foreign-national airspace, or those landing at foreign-national airfields.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. UNDER SECRETARY OF DEFENSE FOR POLICY.**

In addition to the responsibilities in Paragraph 2.4., the Under Secretary of Defense for Policy:

- a. Serves as the OSD Principal Staff Assistant (PSA) for the FCP.
- b. Promulgates DoD issuances as necessary to implement the FCP.
- c. Reviews and approves or disapproves official travel to designated foreign special areas, as required; and, in coordination with the Department of State, maintains a list of areas requiring special area clearances.

### **2.2. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.**

In addition to the responsibilities in Paragraph 2.4., the Under Secretary of Defense for Acquisition and Sustainment provides oversight of DoD Component acquisition activities to ensure they comply with FCP policy when acquiring contractor-registered civil aviation support for state aircraft operations.

### **2.3. PRINCIPAL DIRECTOR, DEFENSE PRICING AND CONTRACTING.**

Under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment, the Principal Director, Defense Pricing and Contracting, develops and provides DoD procurement regulations and a contract clause for applying this issuance to contractors for individual contractor employee travel clearance and contractor-operated aircraft foreign clearance.

### **2.4. OSD PSAS.**

OSD PSAs with policy, functional, or programmatic responsibilities or interests under the FCP:

- a. Identify FCP points-of-contact who are full-time or permanent part-time Federal employees who will, within their functional areas:
  - (1) Participate in deliberations of FCP working groups, as appropriate.
  - (2) Notify the DoD EA for the FCP when issues arise within their areas of responsibility that impact Section 3 policy goals and requirements.
  - (3) Exercise their assigned authorities and responsibilities in support of the FCP.
- b. Coordinate on policy, functional, and programmatic matters relating to the FCP within their assigned areas of responsibility, as required.

c. Ensure that FCP policy is incorporated into relevant DoD issuances under their cognizance.

## **2.5. DOD COMPONENT HEADS.**

DoD Component heads with policy, functional, or programmatic responsibilities or interests under the FCP:

a. Implement the FCP in accordance with the policies in this issuance and other relevant DoD issuances and publications.

b. Direct use of the DoD Foreign Clearance Guide (FCG) and Foreign Clearance Manual (FCM) as official procedural guidance and requirements for matters relating to the FCP.

c. Designate an office of primary responsibility to:

(1) Ensure implementation of and compliance with this issuance and the country requirements and procedures included in the FCG and the FCM.

(2) Issue component-specific implementing instructions.

(3) Manage component compliance with FCP guidance.

(4) Interface directly with the DoD EA for the FCP, as required.

d. Prepare and update doctrine, publications, and training and exercise planning, consistent with the FCG, to provide for a core competency regarding special weapons and hazardous cargo, diplomatic clearance for DoD aircraft, clearance procedures for travel of DoD personnel, U.S. Government policy on payment of aviation-related fees, and sovereignty of DoD aircraft, as necessary.

e. Take into account the requirements and timelines for requesting DoD aircraft diplomatic and DoD personnel travel clearances in all policy initiatives and strategic planning efforts, and coordinate anticipated contingency requirements affecting foreign clearance policy with the DoD EA for the FCP.

f. Prepare operational plans in, and review existing operational plans for, conformance with applicable U.S. and international law, U.S. Government policy, and international agreements concerning special weapons, hazardous cargo, and FCP policy.

g. Ensure contingency plans require compliance with en-route DoD aircraft diplomatic clearance and personnel clearance requirements, based on applicable international law and international agreements and guidance issued by the DoD EA for the FCP.

h. Develop an administrative process for use during contingency planning, in coordination with the DoD EA for the FCP, to prepare and submit aircraft diplomatic and personnel clearance requests in accordance with the FCG.

i. Develop procedures to ensure that all personnel under their authority comply with FCP policy included in this issuance and aircraft diplomatic and DoD personnel travel clearance procedures that are prescribed in the FCG and FCM.

j. If responsible for establishing theater and country clearance requirements, communicate to the DoD EA for the FCP any changes to DoD aircraft diplomatic and DoD personnel travel clearance requirements under their responsibility.

k. If responsible for approving theater or country clearances, use the Aircraft and Personnel Automated Clearance System (APACS) to review and approve or deny requests for aircraft and personnel travel to foreign locations within their overseas area of responsibility unless special access requirements dictate otherwise.

## **2.6. SECRETARIES OF THE MILITARY DEPARTMENTS.**

In addition to the responsibilities in Paragraph 2.5., the Secretaries of the Military Departments designate points of contact to coordinate with the DoD EA for the FCP to develop inter-service agreements identifying the nature and disposition of personnel resources that the services will allocate to support FCP activities.

## **2.7. SECRETARY OF THE AIR FORCE.**

In addition to the responsibilities in Paragraphs 2.5 and 2.6, the Secretary of the Air Force, in their capacity as the DoD EA for the FCP:

a. Manages, coordinates, and communicates FCP policy guidance and procedures regarding the payment of aviation-related fees, the sovereign nature of U.S. state aircraft, and aircraft diplomatic and personnel travel clearances to OSD and DoD Component stakeholders.

b. Monitors execution of DoD aircraft diplomatic clearance policy.

c. Distributes FCP procedures and requirements to FCP stakeholders through entries in the FCG, FCM, and Special Weapons Overflight Guide (SWOG) (see Glossary for location information). This information includes:

(1) Current information on U.S. and foreign government requirements.

(2) Procedures for entering foreign airspace and sovereign territories.

(3) U.S. policy concerning state aircraft diplomatic clearances, freedom of navigation, aviation-related fees, special weapons overflight, sovereignty of DoD aircraft, U.S. airports of entry, DoD personnel travel clearance, and other foreign travel requirements, such as passport, visa, and immunization criteria.

d. Establishes and chairs working groups, as appropriate, and participates in other relevant forums to consider, advise, take action, and report on issues relating to the FCP to ensure the

clarity and consistency of FCP policy as it relates to the policies of other U.S. Government departments and agencies.

e. Maintains FCP subject matter expertise to support the FCP PSA and communicates directly with other U.S. Government departments and agencies, and, as appropriate, foreign government and non-governmental organization stakeholders regarding FCP policy and procedures and other related U.S. Government guidance.

f. Integrates procedures and guidance issued by the following into the FCG and the FCM as appropriate:

(1) The Secretary of the Army as the DoD EA for DoD Passport and Passport Agent Services in accordance with DoDD 1000.21E.

(2) The Commander, United States Transportation Command, as the single manager for the Customs and Border Clearance Program in accordance with DoDD 4500.09.

(3) The Department of State.

(4) The Federal Inspection Services of the U.S. Customs and Border Protection Agency.

(5) OSD Components and other DoD Components.

(6) The Federal Aviation Administration.

(7) Other U.S. organizations voluntarily participating in the FCP by agreement.

g. Monitors DoD organizations' aircraft diplomatic clearance submissions; and addresses, as appropriate, any that fail to meet requirements and procedures published in the FCG and FCM.

h. Maintains the FCG, FCM, and SWOG to provide current requirements and procedures for DoD FCP users. Ensures such requirements and procedures are consistent with applicable international agreements.

i. Operates, maintains, and upgrades the APACS system to support foreign clearance workflow.

j. Incorporates current information into the FCG and FCM to include validated procedural information received from U.S. Embassies and DoD Components concerning personnel travel clearances and diplomatic clearance request procedures for DoD state aircraft and their embarked personnel consistent with applicable international agreements.

k. Represents the DoD in interagency and international forums in accordance with applicable DoD policy and legal guidance. In this capacity, the DoD EA for the FCP or designated representative is authorized to present established DoD policy positions on matters falling within the scope of responsibilities assigned in this issuance to interagency and foreign counterparts.

l. Develops and publishes administrative procedures for obtaining diplomatic clearance for special weapons overflight of, and landing in, foreign territories. Coordinates policy and procedural issues concerning diplomatic clearances for global transport of such weapons and related cargo with the Under Secretary of Defense for Policy and other U.S. Government officials, as appropriate.

m. Works with applicable governmental and non-governmental organizations responsible for publishing aviation or travel-related documents to inform them of DoD aircraft diplomatic clearance and DoD personnel travel clearance requirements.

n. Reviews reference documents and publications as needed to ensure FCP policy remains consistent with current guidance.



## **SECTION 3: THE FCP**

### **3.1. FCP GOALS AND REQUIREMENTS.**

a. The principal goals of the FCP are:

(1) To assure sustained global access for DoD personnel and DoD aircraft through avoidance of diplomatic incidents and other undesirable international sovereignty issues, including unauthorized aircraft boarding, imposition of unauthorized fees, and impoundment of aircraft by foreign governments. FCP policies and systems support this goal by implementing applicable international law and U.S. Government policy, maintaining consistent practices with foreign national governments, and maintaining compliance with DoD requirements and procedures.

(2) That DoD Components utilize APACS to initiate and confirm foreign clearance requests and to confirm compliance with DoD-required pre-travel training, documentation, and procedures for foreign travel locations.

b. Detailed theater and country FCP procedures, templates, and contact information are included in the DoD FCG and the supplementing FCM and DoD SWOG. See Glossary definitions for additional information on these internet-accessible sources.

### **3.2. PERSONNEL FOREIGN CLEARANCE.**

a. DoD-assigned and sponsored personnel (including contractor personnel) must:

(1) Comply with individual theater and country travel clearance requirements in the FCG and FCM when travelling to foreign locations via any mode of transportation.

(2) Obtain appropriate required travel clearances (theater, country, and special area clearance) and confirm compliance with pre-travel requirements prior to travel.

b. The FCG identifies specific requirements and exceptions for individual countries and personnel categories based on international agreements for personnel on certain types of orders, when required statements are included in their orders.

c. Although not included in APACS documentation, all DoD personnel who have security clearances travelling to foreign locations in any duty status should fulfill pre-and-post travel security briefing and debriefing requirements.

### **3.3. STATE AIRCRAFT FOREIGN CLEARANCE AND OPERATIONS IN INTERNATIONAL AIRSPACE.**

a. DoD personnel who are planning or conducting missions in a state aircraft status will request and receive appropriate clearances to operate in foreign national airspace or to land in

foreign territory pursuant to U.S. Government policy in accordance with Secretary of State Message 022631 and specific foreign theater and country requirements and procedures identified in the FCG and the supplementing FCM and SWOG (for special weapons overflight). To support continued freedom of navigation in international airspace and pursuant to DoD Instruction 4540.01, state aircraft do not require, and personnel operating them will not request:

(1) Foreign clearance to operate in international airspace (including foreign-managed flight information regions) when not penetrating foreign-national airspace.

(2) Diplomatic clearance, when exercising the right of transit passage through a strait used for international navigation, or the right of archipelagic sea lanes passage in an air route over the archipelagic waters of another state.

b. Although not required as a matter of law, it is DoD policy that International Civil Aviation Organization flight procedures be followed when on routine point-to-point flights in international airspace in accordance with DoD Instruction 4540.01.

### **3.4. FOREIGN AVIATION FEES AND AIRCRAFT BOARDING.**

Based upon the unique status of state aircraft as instruments of a sovereign under international law, custom, and practice, aircraft supporting DoD requirements while in a state status will not be subject to:

a. Air navigation, overflight, or similar fees for transit, pursuant to U.S. Government policy in accordance with Secretary of State Message 2131554.

b. Landing and parking fees (or other use fees) at foreign government airports.

(1) Fees at non-government airports and reasonable charges for services requested and received by these aircraft at all foreign airports may be payable.

(2) Although U.S. Government bilateral agreements with some countries may exempt civil-registered aircraft operating under a DoD contract from such fees, this does not convey state status to these aircraft under U.S. Government policy.

c. Search, seizure, and inspection (including customs, safety, and agriculture inspections) or any other exercise of jurisdiction by a foreign government over such aircraft, or the personnel, equipment, or cargo while on board the aircraft, in accordance with Secretary of State Cable 2014591. Thus, operators of state aircraft will not consent to the exercise of jurisdiction by foreign government authorities, except at the direction of the head of the DoD Component or the Chief of the U.S. Mission (Ambassador or *Chargé d'Affaires*).

(1) A foreign government may not seize state aircraft lawfully present with diplomatic clearance, but may ask that the aircraft depart promptly from the country if boarding is officially requested by foreign government officials and denied by the aircrew.

(2) Although U.S. Government bilateral agreements with some countries may exempt civil-registered aircraft operating under a DoD contract from boarding and inspection, this does not convey state status to these aircraft under U.S. Government policy.

(3) Once personnel or cargo are deplaned, they will be subject to normal local inspection procedures unless exempted by treaty, agreement, or diplomatic status.

## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
APACS	Aircraft and Personnel Automated Clearance System
DoDD	DoD directive
EA	Executive Agent
FCG	DoD Foreign Clearance Guide
FCM	Foreign Clearance Manual
FCP	DoD Foreign Clearance Program
PSA	Principal Staff Assistant
SWOG	special weapons overflight guide

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>APACS</b>	Automated workflow system operated by the DoD EA for the FCP to enable processing DoD personnel and aircraft overseas travel clearances in compliance with FCP policy and FCG procedures. APACS operates in both unclassified and classified environments and interfaces with the FCG, Air Mobility Command Global Decision Support System, Department of State Electronic Country Clearance System, and the Defense Travel System.
<b>country clearance</b>	Clearance for official U.S. Government representative travel to a foreign country granted through the cognizant U.S. diplomatic mission.
<b>DoD aircraft</b>	U.S. military aircraft and DoD-contracted aircraft that have been designated by responsible U.S. authorities as U.S. state aircraft.

<b>TERM</b>	<b>DEFINITION</b>
<b>DoD aircraft diplomatic clearance</b>	Permission by a foreign government for a DoD aircraft to overfly or land in its territory. An aircraft diplomatic clearance permits the movement into or through the territory of a foreign country of state aircraft (military or state-designated civil-registered aircraft), cargo, equipment, and aircrew members performing aircrew duties only, including the related activities necessarily involved in such entry or transit, subject to whatever restrictions the clearance specifies.
<b>DoD personnel</b>	Active Component and Reserve Component military personnel, DoD civilian personnel (including foreign national direct- and indirect-hires), as well as non-appropriated fund employees, host nation support personnel, and DoD contractor personnel.
<b>DoD personnel travel clearance</b>	Travel clearance for DoD and DoD-sponsored personnel performing official temporary travel abroad. The three types of clearances are: country clearance, theater clearance, and special area clearance.
<b>flight information region</b>	An airspace of defined dimensions within which flight information service and alerting service are provided. A flight information region normally encompasses substantial areas of international airspace and does not reflect international or national airspace borders. The International Civil Aviation Organization establishes flight information regions, and the civil aviation authorities of designated nations administer them in accordance with published rules and procedures.
<b>FCG</b>	Data system hosted by DoD and accessible to DoD users via .mil and .gov networks, and via internet to authorized non-DoD users with an APACS account. The guide includes instructions and pertinent information that is necessary to ensure DoD aircraft and personnel comply with U.S. Government, theater command, and foreign national government requirements when operating in foreign national airspace or territory. It is integrated with the FCP APACS application and is accessible via the internet ( <a href="https://www.fcg.pentagon.mil">https://www.fcg.pentagon.mil</a> ) with access managed by DoD EA for the FCP staff.
<b>FCM</b>	DoD manual that establishes procedures and templates to assist stakeholders and users of the FCP in complying with aircraft and personnel foreign clearance policy guidance. Accessible via the internet ( <a href="https://www.fcg.pentagon.mil/static/FCMBasicDocument.pdf#page%20mode=bookmarks">https://www.fcg.pentagon.mil/static/FCMBasicDocument.pdf#page mode=bookmarks</a> ).

<b>TERM</b>	<b>DEFINITION</b>
<b>international airspace</b>	All airspace seaward of coastal states' national airspace, including airspace over contiguous zones, exclusive economic zones, and the high seas. International airspace is open to all aircraft of all nations.
<b>national airspace</b>	Airspace above the territorial seas, internal waters, and land territory of a country. Consistent with international law, the U.S. Government recognizes territorial sea claims up to a maximum distance of 12 nautical miles from a coastal state's baseline drawn in accordance with international law.
<b>PSA</b>	One of those OSD officials listed in Chapter 4 of Title 10, United States Code, appointed from civilian life by the President, by and with the advice and consent of the Senate.
<b>special area clearance</b>	The required concurrence granted to DoD personnel by the Department of State and the Office of the Under Secretary of Defense for Policy for travel to certain overseas areas designated by the Department of State as special areas.
<b>SWOG</b>	Supplement to the FCG that provides foreign clearance policy and procedures for aircraft carrying special weapons in accordance with DoD Instruction 4540.05.
<b>theater clearance</b>	Clearance for official travel within a geographic combatant command area of responsibility granted by the responsible theater commander or delegated authority.
<b>U.S. state aircraft</b>	U.S. military aircraft are deemed state aircraft at all times. Aircraft registered with the Federal Aviation Administration for civil aviation operations must be designated state aircraft by a U.S. Government official to operate in a state aircraft status.

## REFERENCES

- DoD Directive 1000.21E, “DoD Passport and Passport Agent Services,” October 20, 2009, as amended
- DoD Directive 4500.09, “Transportation and Traffic Management,” December 27, 2019
- DoD Directive 5101.01, “DoD Executive Agent,” February 7, 2022
- DoD Instruction 4540.01, “Use of International Airspace by U.S. Military Aircraft and for Missile and Projectile Firings,” June 2, 2015, as amended
- DoD Instruction 4540.05, “DoD Transportation of U.S. Nuclear Weapons,” June 23, 2011, as amended
- Secretary of State Cable 2014591, “(SBU) U.S. Government Policy on Boarding and Inspection of U.S. Military and Non-Military State Aircraft by Foreign Government Authorities,” March 17, 2017<sup>1</sup>
- Secretary of State Message 022631, “USG Policy Regarding Status of DoD Commercial Contract Aircraft,” March 10, 2010<sup>1</sup>
- Secretary of State Message 2131554, U.S. Government Policy on Aviation-Related Fees,” August 1, 2007<sup>1</sup>
- United States Code, Title 10, Chapter 4

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<sup>1</sup> Available by contacting HQ USAF/A10P at DoD.FCP@us.af.mil.