



Department of Defense

DIRECTIVE

NUMBER 4500.54E
December 28, 2009

USD(P)

SUBJECT: DoD Foreign Clearance Program (FCP)

References: See Enclosure 1

1. **PURPOSE.** This Directive:

- a. Reissues and renames DoD Directive (DoDD) 4500.54 (Reference (a)) to update policy and the assignment of responsibilities for the DoD FCP.
- b. Incorporates and cancels Deputy Secretary of Defense Memorandum (Reference (b)).
- c. Designates the Secretary of the Air Force as the DoD Executive Agent (EA) for the DoD FCP in accordance with DoDD 5101.1 (Reference (c)).
- d. Cancels DoD 4500.54-G (Reference (d)) and authorizes the EA for the DoD FCP to publish a DoD foreign clearance guide (FCG) or successor publication to issue detailed guidance and procedures on DoD aircraft diplomatic and DoD personnel travel clearances, payment of aviation-related fees for DoD aircraft, sovereignty of U.S. military aircraft, and other issues falling under the DoD FCP.
- e. Establishes a Foreign Clearance Program Policy Council (FCPPC) to coordinate, as necessary, DoD FCP policy within OSD and with other DoD Components.

2. **APPLICABILITY.** This Directive applies to:

- a. 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 the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively as the “DoD Components”).
- b. DoD personnel assigned to international staffs or organizations.
- c. Non-DoD personnel traveling under DoD sponsorship, except for members and employees of Congress.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. DoD aircraft shall obtain aircraft diplomatic clearance to overfly the territory of, or land in, a foreign country from that foreign country's government. Clearances shall be requested through the appropriate U.S. clearance authority (e.g., an office in the U.S. Embassy or U.S. Mission), in accordance with the process indicated in the DoD FCG or as otherwise directed by the DoD EA for the FCP, or higher authority.

b. Consistent with U.S. Government policy, DoD aircraft shall not be subject to air navigation, overflight, or similar fees for transit through the national airspace of another country or through Flight Information Regions in international airspace. This policy is based upon the unique status of state aircraft, including U.S. military aircraft, in international law as instruments of a sovereign, and is consistent with international custom and practice. DoD aircraft shall not be subject to landing and parking fees (or other use fees) at foreign government airports. The status of the airport (government or commercial) is determined by an interagency working group. Reasonable charges for services requested and received at foreign airports shall be payable.

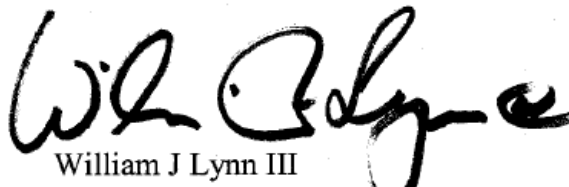
c. DoD aircraft shall not be subject to search, seizure, and inspection (including customs, safety, and agriculture inspections) or any other exercise of jurisdiction by a foreign government over such aircraft, or the personnel, equipment, or cargo on board. DoD aircraft commanders shall not consent to the exercise of jurisdiction by foreign government authorities over U.S. military aircraft, except at the direction of the appropriate DoD Component headquarters.

d. The numbers of visits and visitors to overseas areas for official business shall be kept to a minimum, and be made only when important for the achievement of mission goals. Visits shall be arranged with a minimum requirement of equipment, facilities, time and services of installations, and personnel being visited. When practicable, trips to the same general area and in the same general period shall be consolidated.

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Directive is effective immediately.



William J Lynn III
Deputy Secretary of Defense

Enclosures

1. References
 2. Responsibilities
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 4500.54, "Official Temporary Duty Travel Abroad," May 1, 1991 (hereby canceled)
- (b) Deputy Secretary of Defense Memorandum, "Designation of the Secretary of the Air Force as the DoD Executive Agent for the DoD Foreign Clearance Program," December 20, 2007 (hereby canceled)
- (c) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
- (d) DoD 4500.54-G, "Department of Defense Foreign Clearance Guide (FCG)," February 10, 2008 (hereby canceled)
- (e) DoD Directive 1000.21E, "DoD Passport and Passport Agent Services," October 20, 2009
- (f) DoD Directive 4500.09E, "Transportation and Traffic Management," September 11, 2007
- (g) DoD Instruction C-2005.01, "Freedom of Navigation (FON) Program (U)," October 12, 2005
- (h) DoD Instruction C-5030.44, "Significant Military Exercises and Freedom of Navigation Assertions in Politically Sensitive Areas (U)," October 12, 2005
- (i) Unified Command Plan, December 17, 2008¹
- (j) DoD Directive 5158.04, "United States Transportation Command (USTRANSCOM), July 27, 2007
- (k) Chapter 4 of title 10, United States Code

¹ This classified document is available to authorized users at http://www.intelink.sgov.gov/wiki/Unified_Command_Plan.

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P), in addition to the responsibilities in sections 3 and 4 of this enclosure, shall:

a. Serve as the OSD Principal Staff Assistant (PSA) for the FCP and establish policy and provide policy guidance and oversight for the DoD FCP; oversee the activities of the DoD EA for the DoD FCP.

b. Develop and promulgate DoD issuances as necessary to implement the DoD FCP.

c. Establish the FCPPC to coordinate centrally, as necessary, DoD FCP policy and functional and programmatic issues within OSD and with other DoD Components, as appropriate.

d. Ensure that the DoD EA for the DoD FCP and the DoD Representative for Ocean Policy Affairs (REPOPA) coordinate when providing guidance on matters involving the DoD FCP and oceans policy.

e. Approve and monitor relevant official travel abroad, as required, and, in coordination with the Department of State, maintain a list of areas requiring special area clearances.

2. SECRETARY OF THE AIR FORCE. The Secretary of the Air Force is designated as the DoD EA for the DoD FCP and, in that capacity and in addition to the responsibilities in section 4 of this enclosure, shall:

a. Ensure all DoD FCP responsibilities and functions are executed in accordance with U.S. and international law, the policies contained in this Directive and in Reference (b), and other DoD issuances.

b. Manage, coordinate, and communicate DoD policies, guidance, and procedures regarding the payment of aviation-related fees, the sovereign nature of U.S. military aircraft and, as appropriate, DoD-contracted aircraft and DoD aircraft diplomatic and personnel travel clearances necessary to implement the DoD FCP.

c. Implement DoD aircraft diplomatic clearance policy.

d. Distribute, through Web sites and/or publications, the U.S. and foreign government requirements and procedures for entering their sovereign territories. The Web sites and publications will include U.S. policy concerning aircraft diplomatic clearances, aviation-related fees, special weapons overflight, sovereignty of DoD aircraft, U.S. airports of entry, and DoD

personnel travel clearance and other requirements such as passport, visa, and immunization criteria. Refer to <https://www.fcg.pentagon.mil> or <http://www.fcg.pentagonmil.mil>.

e. Establish and chair working groups, as appropriate, and participate in other relevant forums to consider, advise on, take action on, and report on issues relating to the DoD FCP to ensure the clarity and consistency of DoD FCP policy as it relates to the policies of other U.S. Government departments and agencies.

f. In accordance with USD(P) guidance, communicate directly with other U.S. Government departments and agencies, foreign governments, and non-governmental organizations regarding the implementation of relevant U.S. Government policies and DoD FCP policy. Where such matters involve issues for which responsibility has been assigned to another official, communicate or coordinate with the Heads of the affected DoD Components.

g. Integrate procedures and guidance, as appropriate, into the DoD FCG issued by:

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

(2) The Commander, United States Transportation Command, (CDRUSTRANSCOM) as the DoD EA for the DoD Customs and Border Clearance Program in accordance with DoDD 4500.09E (Reference (f)).

(3) The Department of State.

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

(5) The DoD Components.

h. Monitor DoD organizations' aircraft diplomatic clearance submissions and address, as appropriate, any that repeatedly fail to meet requirements published in the DoD FCG.

i. Incorporate into the FCG, as appropriate, validated procedural information received from defense attaches and Navy component commanders concerning diplomatic clearance request procedures for U.S. military aircraft and U.S. Navy vessels and their embarked personnel.

j. Represent the Department of Defense in interagency and international forums in accordance with applicable DoD policy and legal guidance. In this capacity, the DoD EA, or his or her designated representative, is authorized to present established DoD policy positions on matters falling within the scope of responsibilities assigned in this Directive to interagency and foreign counterparts.

k. Maintain continuous coordination with all stakeholders (including, but not limited to, the Department of State and the Defense Intelligence Agency) regarding DoD aircraft diplomatic and DoD personnel travel clearances, as required.

l. Develop and publish administrative procedures for obtaining diplomatic clearance for special weapons overflight of, and landing in, foreign territories. Coordinate policy and procedural issues concerning diplomatic clearances for global transport of such weapons and related cargo with the USD(P) and other DoD officials as appropriate.

m. Work 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. Review all applicable publications to ensure they reflect, and are consistent with, current DoD policy affecting the DoD FCP.

o. Provide information to the DoD REPOPA, who performs duties consistent with DoD Instructions C-2005.01 and C-5030.44 (References (g) and (h)).

3. OSD PSAs. The OSD PSAs with policy, functional, or programmatic responsibilities or interests under the DoD FCP, in addition to the responsibilities in section 4 of this enclosure, shall:

a. Identify representatives that are full-time or permanent part-time Federal employees who will, within their functional areas:

(1) Participate in deliberations of the FCPPC and working groups, as appropriate.

(2) Present foreign clearance policy issues to the FCPPC and working groups, as appropriate.

(3) Exercise their assigned authorities and responsibilities in support of the DoD FCP.

b. Coordinate on policy, functional, and programmatic matters relating to the DoD FCP within their assigned areas of responsibility, as required.

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

4. HEADS OF THE DoD COMPONENTS AND OSD PSAs. The Heads of the DoD Components and the OSD PSAs shall:

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

b. Use the DoD FCG as the official guide for matters relating to the DoD FCP.

- c. Designate an office of primary responsibility for ensuring implementation of and compliance with the DoD FCP, including responsibility for issuing Component-specific implementing instructions, managing Component compliance with DoD FCP guidance, and interfacing directly with the DoD EA for the DoD FCP, as required.
- d. Prepare and update doctrine, publications, and training and exercise planning, consistent with the DoD 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 U.S military aircraft, as necessary.
- e. Take into account DoD aircraft diplomatic and DoD personnel travel clearance request requirements and timelines in all policy initiatives and strategic planning efforts and coordinate anticipated contingency requirements affecting foreign clearance policy with the DoD EA for the DoD FCP.
- f. Prepare operational plans in, and review existing operational plans for, conformance with U.S. and international law, U.S. Government policy, and applicable international agreements concerning special weapons and hazardous cargo, diplomatic clearance for DoD aircraft, and clearance programs for travel of DoD personnel. 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 DoD FCP.
- g. Develop an administrative process for use during contingency planning, in coordination with the DoD EA for the DoD FCP, to prepare and submit aircraft diplomatic and personnel clearance requests in accordance with the DoD FCG.
- h. Ensure that all personnel comply with DoD FCP aircraft diplomatic and DoD personnel travel clearance procedures that are outlined in the DoD FCG and other relevant DoD issuances.
- i. Communicate DoD aircraft diplomatic and DoD personnel travel clearance issues to the DoD EA for the DoD FCG for resolution, as appropriate.

5. SECRETARY OF THE ARMY. The Secretary of the Army, as the DoD EA for DoD Passport and Passport Agent Services (Reference (e)) and in addition to the responsibilities in section 4 of this enclosure, shall provide relevant information to the DoD EA for the DoD FCP to assist in implementing DoD FCP requirements and for publication in the DoD FCG.

6. COMMANDER, UNITED STATES JOINT FORCES COMMAND (CDRUSJFCOM). The CDRUSJFCOM, as the Joint Deployment Process Owner in accordance with the Unified Command Plan (Reference (i)), and in addition to the responsibilities in section 4 of this enclosure, shall ensure that all guidance for obtaining DoD aircraft diplomatic and DoD personnel clearances issued by the DoD EA for the DoD FCP is reflected in joint doctrine and

regional combatant command contingency plans, and that planning for training and exercises clearly reflects consideration of foreign territory overflight and access requirements.

7. CDRUSTRANSCOM). The CDRUSTRANSCOM, as the DoD EA for the Customs and Border Clearance Program (Reference (f)) and the DoD Distribution Process Owner (DoDD 5158.04 (Reference (j))), and in addition to the responsibilities in section 4 of this enclosure, shall coordinate with the DoD EA for the DoD FCP to ensure that relevant guidance is incorporated into DoD FCG.

GLOSSARY

DEFINITIONS

These terms and their definitions are for the purposes of this Directive:

country clearance. Clearance for official U.S. Government representative travel to a foreign country granted through the cognizant U.S. Embassy or U.S. Mission.

DoD aircraft. U.S. military aircraft and DoD-contracted aircraft that have been designated by responsible U.S. authorities as U.S. state aircraft. (DoD-contracted aircraft are not routinely designated as state aircraft.)

DoD aircraft diplomatic clearance. 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 military 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.

DoD personnel travel clearance. Travel clearance for DoD and DoD-sponsored personnel performing official temporary travel abroad. The three types of clearance are country clearance, theater clearance, and special area clearance.

flight information region. 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. Responsibility for flight information region management is not the same as territorial authority; therefore, state aircraft are not to request aircraft diplomatic clearance to enter a flight information region if the aircraft will not enter national airspace. The International Civil Aviation Organization establishes flight information regions in accordance with the Convention on International Civil Aviation. Civil aviation authorities of designated nations administer them pursuant to International Civil Aviation Organization authority, rules, and procedures.

international airspace. 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. Military aircraft may operate in such areas free of interference or control by the coastal state.

national airspace. 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. Aircraft flights within a state's national airspace, including airspace above its territorial seas, require the state's consent except when the aircraft are transiting international straits or exercising the right of passage through archipelagic sea lanes.

Aircraft diplomatic clearance constitutes official permission (consent) to operate in national airspace.

PSA. One of those OSD officials listed in chapter 4 of title 10, United States Code (Reference (k)), appointed from civilian life by the President, by and with the advice and consent of the Senate.

special area clearance. The required concurrence granted to DoD personnel by the Department of State and the Office of the USD(P) for travel to certain overseas areas designated by the Department of State as special areas.

state aircraft. Aircraft, including U.S. military aircraft, operated by a government for sovereign, non-commercial purposes.

theater clearance. Clearance for official travel within a geographic combatant command area of responsibility granted by the responsible geographic combatant commander or other delegated authority.