

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

1. Depart and land at an airport within the U.S. or Canada;
2. Enter or exit U.S. territorial airspace over Alaska north of the fifty–fourth parallel;
3. File and are on an active flight plan;
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. Squawk 1200 if VFR and equipped with a transponder; and
6. Comply with all applicable U.S. 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*.

c. **CBP APIS Information.** Information about U.S. CBP APIS requirements is available at <http://www.cbp.gov>.

### 5–6–6. Civil Aircraft Operations Within U.S. Territorial Airspace

a. Civil aircraft with a maximum certificated takeoff gross weight less than or equal to 100,309 pounds (45,500 kgs) are authorized to operate within U.S. territorial airspace in accordance with all applicable regulations and VFR in airport traffic pattern areas of U.S. airports near the U.S. border, except for those described in subparagraph 5–6–6b below.

b. Civil aircraft with a maximum certificated takeoff gross weight less than or equal to 100,309 pounds (45,500 kgs) and registered in a U.S. State Department–designated special interest country or operating with the ICAO 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, must operate within U.S. territorial