

OPNAVINST 3700.19E N2/N6 24 Jul 2014

## OPNAV INSTRUCTION 3700.19E

- From: Chief of Naval Operations
- Subj: FOREIGN MILITARY AND STATE AIRCRAFT LANDING CLEARANCE PROCEDURES
- Ref: (a) SECNAVINST 3770.2A
  - (b) 49 U.S.C. §40103(d)
  - (c) DoD 7000.14-R, Department of Defense Financial Management Regulations (FMRS), Volume 15, Chapter 4, February 2014

## 1. Purpose

a. To issue clearance requirements for landing and servicing at U.S. Navy and Marine Corps installations for military and state aircraft owned by a foreign government with which the United States maintains diplomatic relations and to outline procedures to obtain such clearance.

b. This instruction is being reissued with a new date, updated version and signature authority to meet Chief of Naval Operations' (CNO) age requirement for Office of the Chief of Naval Operations (OPNAV) instructions.

2. Cancellation. OPNAVINST 3700.19D.

3. <u>Scope</u>. This instruction applies to those aircraft owned and operated by a military organization or other agency of a foreign government, provided such operation is not for commercial purposes. Use of U.S. Navy and Marine Corps installations by all other non-Department of Defense (DoD) aircraft is governed by reference (a). Normally, aircraft operated under contract for a government agency or organization, domestic or foreign, regardless of purpose, falls under the provisions of reference (a). An exception may be granted when the aircraft is transporting a head of state or comparable person when determined to be in the best interests of the United States Government, the U.S. Navy, and the Marine Corps. 4. <u>Background</u>. Navigation in the sovereign airspace of the United States by foreign aircraft is specifically prohibited by reference (b) without the prior authorization of the Secretary of State. The U.S. Navy and Marine Corps further restrict landings at U.S. Navy and Marine Corps installations to United States Government aircraft (other aircraft as may be authorized per reference (a)), and to military or state aircraft of friendly foreign governments. Such foreign flights are usually authorized on a case-by-case basis when they are determined to be in the best interest of the United States, the U.S. Navy, and the Marine Corps.

5. Normal Clearance Procedures. Requests for clearance by foreign military or state aircraft to land at U.S. Navy and Marine Corps installations in the United States, its possessions and territories, administered by the United States with respect to foreign relations are to be submitted by the naval or air attaché of the respective foreign embassy in Washington, D.C. to the CNO, Navy Foreign Liaison Office (OPNAV (N2/N6IL)). At the same time, clearance from the United States State Department is required for over flight of the territory concerned. Requests for clearance to land at U.S. Navy and Marine Corps installations situated in third countries are submitted to the OPNAV (N2/N6IL) for Department of the Navy clearance. United States State Department diplomatic clearance is not required in such cases; however, third country diplomatic clearance is required. It is the requesting country's responsibility to obtain such clearance. If the flight appears to be operationally feasible and is determined to be politically acceptable to the Department of the Navy (and United States State Department when cognizant for flights to the United States), OPNAV (N2/N6IL) will advise the appropriate Navy and Marine Corps commands and the embassy concerned via message that the flight is approved. Approval is subject to the concurrence of the echelon 2 commander, or, in the case of Marine Corps installations, the Commandant of the Marine Corps (CMC).

6. <u>Criteria</u>. Foreign aircraft clearance may be issued only after OPNAV (N2/N6IL), as the CNO representative, has determined that the presence of the aircraft will not, under existing or reasonably foreseeable future conditions, endanger, place an undue burden upon, or otherwise jeopardize the efficiency, capability or effectiveness of any United States public, government, or military installation. Factors to be considered

2

OPNAVINST 3700.19E 24 Jul 2014

include, but are not limited to: the true purpose of the entry; the foreign government history, character, and present or past associates of the foreign government involved; and the possible burdens or threats to the facilities which the presence of the aircraft impose or might reasonably be expected to impose on the installation. Requests for foreign aircraft clearance will be evaluated based on national security per DoD policy and United States laws and regulations. If further review is required, OPNAV (N2/N6IL) will coordinate with the Deputy Chief of Naval Operations, Operations, Plans, and Strategy (CNO (N3/N5)).

7. <u>Adverse</u>. Substantial evidence of any of the following precludes granting foreign aircraft clearance without specific approval by the Deputy Chief of Naval Operations, Information Dominance (CNO (N2/N6)):

a. Prior noncompliance with clearance procedures or failure to observe terms under which any clearance may have been granted.

b. Willfully furnishing false, incomplete, or misleading information in an application for a clearance.

c. Advocacy of the overthrow or alteration of the United States Government.

d. Commission of, or attempt or preparation to commit, an act of espionage, sabotage, or sedition, or conspiring with, or aiding or abetting, another to commit such an act.

e. Performing or attempting to perform duties, or otherwise acting so as to serve the interest of another government to the detriment of the United States.

8. <u>Blanket Clearance Procedures</u>. For administrative convenience and or as a result of bilateral arrangements in effect with certain foreign governments, blanket-landing authorizations will be issued by OPNAV (N2/N6IL). These blanket clearances provide for abbreviated clearance procedures, by flight advisory, directly to the installation concerned with information only notification to OPNAV (N2/N6IL). Blanket clearances will usually be issued by message and will remain valid for a specific period (usually 1 calendar year). Blanket clearance will normally be subject to the following conditions: a. Advance notice of 72 hours prior to landing by either flight advisory or prior permission requirement, where appropriate.

b. Aircraft commanders must apprise base commanders, via base operations as appropriate, of their known requirements and flight plan details and refer to the appropriate Navy landing authorization number blanket clearance in all communications.

c. Landing authorization may be withdrawn at any time by the base commander or higher authority if so dictated by base loading or operational requirements.

d. Arrival times should be adjusted to conform to customs and agriculture department working hours (where appropriate) and to fueling and maintenance support hours.

e. Only normal aircraft services and billeting will be authorized, as feasible.

Special Clearances. Certain countries have special long-9. standing agreements allowing for use of United States military installations for routine flights, provided they do not interfere with United States operational commitments. Flights controversial in nature, having political overtones, very important persons, hazardous material (HAZMAT), extended operations from a base, etc., requires prior clearance from OPNAV (N2/N6IL). These agreements are permanent until abrogated by one of the parties; consequently, there will not be a periodic notification of renewal. In the absence of specific clearance from OPNAV (N2/N6IL), it may be assumed that aircraft from the nations below are operating under the auspices of a special clearance agreement. These special clearances do not preempt CMC, echelon 2 commanders', or base commanders' prerogative to deny access to an installation when so dictated by operational requirements or political and policy considerations.

10. <u>Clearance Notification</u>. Upon request from a foreign air or naval attaché, OPNAV (N2/N6IL) will issue a Navy landing authorization number for each approved flight or blanket clearance. This authorization will be valid for a maximum period of 5 days surrounding the estimated time of arrival and departure. Navy landing authorization numbers will be numbered

4

sequentially throughout the calendar year to serve as a ready reference to the authorization message, and will include the following information:

a. Nationality; service, type, and number of aircraft; complete flight itinerary with estimated times of arrival and departure; number and breakdown of crew; and purpose of flight.

b. Services requested (i.e., customs, billeting, etc.) and billing instructions.

c. Special requirements or information (i.e., HAZMAT and very important persons embarked). HAZMAT requiring enumeration is defined, per reference (b), as explosives of class 1.1 through 1.4 and 6.1. Declaration will list class, United Nations number, and net explosive quantity or weight.

11. Action. Upon receipt of a Navy landing authorization number, echelon 2 commanders or CMC should determine the operational feasibility of accommodating the flight. Concurrence is to be assumed unless otherwise advised. Accommodation of foreign military aircraft should not be allowed to interfere with operational commitments nor should it place undue inconvenience upon installation personnel or facilities. Should it prove infeasible to accommodate a flight, or should problems result from accommodating a flight, the appropriate command echelon should inform OPNAV (N2/N6IL) of the difficulty as soon as possible, positively identifying the aircraft and country involved. Installation commanders should inform OPNAV (N2/N6IL) via the appropriate command echelon of anticipated temporary non-availability of certain facilities or services, or extensive operational commitments or base loading which would affect the ability to accommodate foreign military aircraft. Once a flight is approved, foreign military commanders will be responsible for informing installation commanders by flight advisory of schedule changes, special requirements, etc., and should refer to their flight's Navy landing authorization number in all flight advisories.

12. <u>United States Defense Attaché Offices</u>. As a general practice, United States naval attachés should not accept requests for flight clearances from foreign governments, but should advise the foreign government to forward such requests via its embassy in Washington, D.C.

5

13. Uncleared and Emergency Landing. Unless otherwise specifically directed by higher authority, installation commanders will deny landing privileges to foreign military aircraft which have not been cleared in advance by OPNAV (N2/N6IL), except as provided by special clearances discussed above. However, emergency landings by foreign military or state aircraft are authorized if, in the opinion of the installation commander, denial of a landing request could endanger the safety of the aircraft or its crew. Upon landing, the installation commander will ascertain the nature of the emergency and or particulars of the flight, reason for non-clearance, and notify OPNAV (N2/N6IL) via the appropriate command echelon.

14. <u>Charges for Servicing</u>. Normal aircraft handling will be provided without charge for properly cleared foreign military or state aircraft. Chargeable services and consumable material, such as fuel and oil or special handling, will be billed per reference (c).

15. <u>Records Management</u>. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.

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