

Annex L

Freely Associated States

L.1 INTRODUCTION

1. In 1947, the United Nations assigned the U.S. administering authority over the Trust Territory of the Pacific Islands, including what is now the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau (ROP), which the U.S. forces had liberated from the Japanese shortly before the end of World War II.

2. The U.S. concluded Compacts of Free Association with the Governments of the FSM and the RMI in 1982 and 1983, respectively. Following approval by plebiscites of those island nations, the Compacts were approved in the U.S. by Public Law 99-239 (“Compacts”) and entered into force in 1986. A similar Compact was concluded with the ROP and approved by the U.S. in 1986. The Palau Compact entered into force in October 1994. All three Compacts give the U.S. full authority and responsibility for security and defense matters in or relating to each of these countries.

3. The Compacts with FSM and RMI were amended in 2003 after the provisions involving U.S. financial assistance, and certain relevant subsidiary agreements, expired by their terms in 2001. The Compacts, as amended, and their related subsidiary agreements, for the FSM and RMI were approved by Congress through Public Law 108-88, and entered into force in June and May, 2004, respectively. The U.S. and ROP concluded the Palau Compact Review Agreement in 2010 pursuant to a 15-year review mandated by the original Compact. The Review Agreement modifies portions of the Compact, including those relating to telecommunication services provision in Palau. Congress has not yet approved the agreement, so it has not yet entered into force.

4. The Compacts between the U.S. and the FSM, RMI, and ROP are extensive and include provisions on communications and the operation of U.S. telecommunications services in the three states. There are subsidiary agreements that establish the respective governments’ authorities and responsibilities under the relevant provisions of all three Compacts. Two relevant provisions in the amended subsidiary agreements with FSM and RMI are (1) each of the parties must designate a “Competent Authority” to carry out the provisions of the telecommunications provisions and will meet at least annually, and (2) a “Joint Telecommunication Board” (JTB), established between the U.S. and each of the parties in the original Compacts to negotiate and harmonize telecommunication operations of the U.S. with the respective Governments, will review changes to the respective telecommunications systems of the parties. The ROP’s amended subsidiary agreement, concluded in 2010 with the review agreement, also includes these provisions.

5. Executive Order 12569 on management of the Compacts gives the Secretary of State the authority and responsibility to ensure the obligations of the U.S. as set forth in the Compacts and their related agreements are carried out. The U.S. Department of State, Office of International Communications and Information Policy, Bureau of Economics and Business Affairs, was designated by the Assistant Secretary of State for East Asian and Pacific Affairs as the U.S. Competent Authority (USCA) under the Compacts to carry out the responsibilities under the related provisions of the Compacts and related subsidiary agreements. Two representatives from the U.S. Government (USG) will carry out the duties of the USCA. A representative from the U.S. Department of State will serve as the lead USG representative, and can be contacted at USCA@state.gov. A representative from the U.S. Department of the Interior (DOI) will serve as the primary contact and expert for telecommunications processes and practices, and can be contacted at USCA@ios.doi.gov.

L.2 AUTHORITY FOR USE OF THE RADIO FREQUENCY SPECTRUM

1. Under each of the three Compacts, including as amended, the FSM, the RMI, and the ROP have full authority and responsibility to regulate their respective domestic and foreign communications, including use of the radio spectrum. Section 132 of the Compacts, requires the FSM, RMI, and ROP to permit the USG. to operate telecommunications services to the extent necessary to fulfill its obligations under the Compacts. The USG is obliged to coordinate changes to telecommunications facilities and extraordinary activities or exercises to avoid interference.

2. The requirement to coordinate facilities and to avoid radio interference was given a high priority at the first meetings of the JTB, remaining so to this day, resulting in the adoption of policies and procedures for the management and assignment of radio frequency use in the FSM, RMI and ROP. Under these procedures, on behalf of the USCA, the DOI’s representative issues frequency authorizations to USG agencies after positive harmonization with the respective governments.

3. The RMI, the FSM, and the ROP administered territories are listed in Sec. G.2 and are shown in Figure 1.

L.3 PROCEDURES FOR OBTAINING A FREQUENCY AUTHORIZATION

1. USG agencies must have positively harmonized and assigned radio frequency assignments prior to any use of the radio frequency spectrum in the FSM, RMI, and ROP.

2. USG agencies must submit all permanent and temporary (exceeding 30 days duration) frequency assignment applications to NTIA no less than 90 days prior to desired date of use. The frequency assignments will be listed in the Government Master File (GMF), except as outlined in below in Section L.3.2.a. Agencies must submit frequency assignment applications using current frequency assignment processes. The assignments are for record keeping purposes only and are not applicable to Federal Government rules, except as outlined in this annex. NTIA will table the proposals to effect coordination under this annex and notify the DOI representative of the applicable records by serial number. Agencies will submit temporary frequency assignment applications for less than 30 days, except those covered under Section L.3.2.a below, to the DOI representative in Spectrum XXI pseudo GMF card format a minimum of 60 days prior to desired use by the requesting agency national level office. The DOI designated individual, acting on behalf of the USCA, will affect the necessary harmonization with the FSM, RMI, or ROP before assigning temporary and permanent frequencies.

a. Any USG operations within a radius of 200 nautical miles of the U.S. Army Kwajalein Atoll, Republic of Marshall Islands, WGS-84 center coordinates of 090240N 1674417E must:

(1) Ensure equipment/systems are in accordance with Section L.4 below.

(2) Have frequency proposals must be submitted at least 90 days prior to the date of use to the Frequency Manager U.S. Army Garrison Kwajalein Atoll (USAGKA) who will determine if the requirement is supportable and will not interfere with on-going approved testing.

(a.) If the requirement can be met using existing harmonized frequency band assignments, the USAGKA Frequency Manager will subassign the required frequencies to the requestor. No notification to the USCA or NTIA is required.

(b.) If requirements cannot be met by existing band assignments and the requested spectrum is clear to support requested operations, the USAGKA frequency manager will provide the requestor with confirmation of availability of spectrum. The requesting entity will then request positive harmonization as specified in paragraph L.3.2 above.

b. There is no agreement or process to harmonize classified frequency proposals with any of the Freely Associated States. Any classified requirements must be sanitized to the Controlled Unclassified Information level and be releasable to foreign nationals.

c. A matrix of who to submit proposals to is provided below:

	U.S. Embassy	USAGKA	NTIA	USCA
Duration 30 days or longer			✓	✓
Duration less than 30 days				✓
Ship Visit Duration less than 30 days	✓			
Ship Visit Duration more than 30 days			✓	✓
Within 200 NM of USAGKA and locally supportable		✓		
Within 200 NM of USAGKA and NOT locally supportable; follow above guidance		✓	✓	✓

3. Agencies are encouraged to coordinate both temporary and permanent frequency proposals prior to formal submission and may contact the DOI representative at the following email address: USCA@ios.doi.gov.

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