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Article VIII

Civil Aviation Safety Services and Related Programs

1. The Government of the United States and the Government of the Federated States of Micronesia agree that the Federal Aviation Administration (FAA) shall provide aviation safety services in the Federated States of Micronesia in accordance with this Article, subject to availability of appropriated funds, with the common desire to:

(a) promote the common interests of the Government of the United States and the Government of the Federated States of Micronesia in fostering safe and efficient air service; and

(b) facilitate the orderly establishment of aviation safety statutory and regulatory regimes and aviation safety authorities by the Government of the Federated States of Micronesia.

2. On behalf of the Government of the Federated States of Micronesia, the Government of the United States shall provide aviation safety services-in the Federated States of Micronesia as follows:

(a.) en route air traffic services within that air space including the Federated States of Micronesia for which the Government of the United States has responsibility under the appropriate regional air navigation plan approved by the International Civil Aviation Organization (ICAO);

(b) flight inspection and ground certification of nondirectional beacons and distance-measuring equipment. and periodic review and evaluation of the need for, and the maintenance, modification, improvement or replacement of, nondirectional beacons, distance-measuring equipment and related support systems in the Federates States of Micronesia (The nondirectional beacons and distance-measuring equipment shall be removed from service when the need for them no longer exists.); and

(c) development and updating of instrument approach procedures, standard instrument departure procedures and standard terminal arrival routes for airports in the Federated States of Micronesia, and issuance of appropriate Notices to Airmen.

3. The Government of the Federated States of Micronesia, pursuant to Section 471(b) of the compact, shall take all necessary steps to ensure the conformity of laws, regulations and administrative procedures with the provisions of this Article. The aviation safety services specified under paragraph 2 of this Article shall be provided exclusively pursuant to treaties and other international agreements relating to aviation safety to which the United States is a party and the laws and regulations of the United States. The Government of the Federated States of Micronesia:

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- (a) consistent with Resolutions A23-11, Appendix N, Part II, Air Navigation of ICAO Assembly Resolutions in force as of October 7, 1980, U.N. Doc. 9349, assign and delegate to the Government of the United States sole authority and responsibility for providing aviation safety services as specified in paragraph 2(a) of this Article until such time as those responsibilities are transferred at the request of the Government of the Federated States of Micronesia, and with the approval of the ICAO, from the Government of the United States to the Government of the Federates States of Micronesia; and
- (b) grant unobstructed access by FAA personnel and FAA equipment to the property on which the navigational and landing aids set forth in paragraph 2(b) of this Article are located.

4. The FAA shall provide technical assistance to the Government of the Federated States of Micronesia to develop civil aviation safety authorities and to assist the FSM Government in the administration of safely certification and related aviation safety programs. Such technical assistance shall be provided pursuant to implementing agreements to be negotiated from time to time between the Government of the United States and the FSM Government. The FAA shall provide such technical assistance in accordance with the provisions of Title 49, United States Code, Subtitle VII, Part A, Sections 40101 et seq., and Part B, Chapter 473, Sections 47301 et seq. The technical assistance provided by the FM includes, but is not limited to:

- (a) continuing development of aviation safety statutes, regulations and aviation safety authorities;
- (b) training, in the United States, of personnel designated by the Government of the Federated States of Micronesia;
- (c) stationing of FAA personnel in the Federated States of Micronesia to provide continuing advice and guidance to aviation safely authorities at the request of the FSM Government. Such advice and guidance may include assistance to aviation required for certification by the Government of the Federated States of Micronesia of airmen, aircraft, airports and air agencies, as the term "air agencies" is used in 49 U.S.C. 44702 and 44707; and
- (d) provision of equipment, tools, and facilities determined to be necessary to ensure aviation safety, or recommendations that such equipment, tools or facilities be provided by the Government of the Federated States of Micronesia.

5. Pursuant to Article II, Title One, of the compact, the Government of the Federated States of Micronesia shall protect radio frequency bands allocated in accordance with Article 5 of the Radio Regulations of the International Telecommunications Union to the aeronautical mobile, mobile, aeronautical fixed, fixed, aeronautical radionavigation, and radionavigation services in accordance with the provisions of Radio Regulations annexed

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to the International Telecommunication Convention, in order to ensure their use free of interference for these allocated purposes in support of civil aviation,

6. The Government of the Federated States of Micronesia, in order to ensure that they transmit and receive the most current meteorological information for civil aviation purposes and that such information provided by them shall be available on a global basis, shall provide continuing access to their telecommunications services for meteorological traffic to and from Guam or other points as may be designated by the Government of the United States in consultation with the Government of the Federated States of Micronesia,

7. The Government of the Federated States of Micronesia, in order to ensure that they transmit and receive the most current flight movement and airmen information data for civil aviation purposes, and that such information received or provided by them will be available on a global basis, shall provide continuing access to their telecommunications services for flight movement and airmen information traffic to and from Guam or other entry points into the Aeronautical Fixed Service of the International Civil Aviation Organization as may be designated in accordance with the Convention on International Civil Aviation, Annex 10, Volume 1 and 2, by the Government of the United States in consultation with the Government of the Federated States of Micronesia

8. The Government of the United States and the Government of the Federated States of Micronesia shall from time to time enter into such agreements as may be necessary to implement subparagraphs (b) and (c) of paragraph 2 of this Article.

Text initialed ad referendum on 14 December 2001 at the conclusion of Round Four of U.S.-FSM Compact Negotiations by Albert V. Short on behalf of the United States Delegation and Senator Peter Christian on behalf of the Federated States of Micronesia Delegation.

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