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AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES AND
THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
CONCERNING CERTAIN TECHNICAL ASSISTANCE
TO BE PROVIDED BY THE DEPARTMENT OF THE ARMY
PURSUANT TO SECTION 226 OF THE
COMPACT OF FREE ASSOCIATION

AGREEMENT BETWEEN
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This Agreement is entered into by the Government of the United States and the Government of the Federated States of Micronesia to record their agreement and undertakings with respect to the implementation of certain aspects of Section 226 of the Compact of Free Association concerning the provision of certain water resource and infrastructure development projects within the Federated States of Micronesia.

ARTICLE I

DEFINITION OF TERMS

Article I

Definitions

1. The Definition of Terms set forth in Article VI of Title IV of of the Compact and the Definitions set forth in paragraph 2 of Article I of the Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact (the Status of Forces Agreement) are incorporated by reference into this Agreement.

2. In this Agreement, the following definitions also apply:

(a) "Technical assistance" means planning, engineering, design, construction management, or other professional services related to the construction or possible construction of water resource or infrastructure development projects.

(b) "Planning services" means any planning service related to the construction or possible construction of a water resource or infrastructure development project, including the development of baseline data, physical and economic analyses, environmental resource analyses, plan formulation, feasibility analyses, and planning study reports;

(c) "Engineering and design services" means any engineering and design service related to the construction or possible construction of a water resource or infrastructure development project, including detailed design analysis and all engineering service required for the preparation of construction documents, including preparation of design and cost estimates;

(d) "Construction management services" means any construction management service related to the construction of a water resource or infrastructure development project, including the management of contracts during construction and the coordination of financial, engineering, and quality assurance activities during construction; and

(e) "Other professional services" means any other professional service related to the construction or possible construction of a water resource or infrastructure development project which the U.S. Department of the Army is competent to provide, including preparing special studies, analyses and reports; and affording on the job training for personnel designated by the Government of the Federated States of Micronesia.

ARTICLE II

Applicability of the Status of Forces Agreement

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Article II

Applicability of the Status of Forces Agreement

The provisions of the Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association ("The Status of Forces Agreement") shall apply.

ARTICLE III

PROVISION OF TECHNICAL ASSISTANCE

Article III

Provision of Technical Assistance

Upon request by the Government of the Federated States of Micronesia, the Department of the Army on behalf of the Government of the United States, and in accordance with applicable laws of the United States and the Federated States of Micronesia, shall provide under the terms of this Agreement technical assistance in connection with the construction of water resource and infrastructure development projects within the Federated States of Micronesia.

ARTICLE IV

REQUESTS FOR TECHNICAL ASSISTANCE

Article IV

Requests for Technical Assistance

1. The Government of the Federated States of Micronesia shall, as desired, submit requests for technical assistance under this Agreement to the Department of the Army through its designated representative. Such requests for technical assistance shall be in writing and shall describe the scope of the services desired and the proposed location of the project to which the services relate; and shall designate for purposes of communications an individual or office authorized to represent the Government of the Federated States of Micronesia on all matters relating to that work request, including the obligation of funds.
2. Upon receipt of a such a request for technical assistance, the designated representative of the Department of the Army shall provide the individual or office authorized to represent the Government of the Federated States of Micronesia with an acknowledgment in writing of the request for technical assistance, and shall seek to obtain all required Department of the Army approvals for performing work requested.
3. Such requests for technical assistance shall be set forth in individual work agreements between the Department of the Army and the Government of the Federated States of Micronesia. The individual work agreements shall describe in detail the scope of work to be performed, necessary funding arrangements, and such other particulars as are necessary to clearly describe the obligations of the parties with respect to the requested work.
4. Any work performed or final product delivered shall be in accordance with the scope of work set forth in an individual work agreement. No technical assistance shall be provided under this Agreement until necessary approvals are obtained.

ARTICLE V

FUNDING

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Article 5

Funding

The Department of the Army shall provide technical assistance to the Government of the Federated States of Micronesia pursuant to this Agreement after receipt of adequate funding provided for this purpose by the Government of the Federated States of Micronesia or other non-Department of the Army sources.

ARTICLE VI

RECORDS AND REPORTS

Article VI

Records and Reports

1. The Department of the Army shall establish and maintain records of the receipts and expenditure of all funds furnished by the Government of the Federated States of Micronesia for specific work requests. Records shall be maintained in sufficient detail to permit identification of the nature of expenditures made by the Department of the Army and shall be made available for inspection by authorized representatives of the Government of the Federated States of Micronesia at reasonable times upon request.
 2. The Department of the Army shall provide the Government of the Federated States of Micronesia with a report summarizing the expenditure of funds on individual work agreements on a quarterly basis as work proceeds.
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ARTICLE VII

REQUIRED REAL ESTATE PERMITS OR INTERESTS

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Article VII

Required Real Estate Permits or Interests

The Government of the Federated States of Micronesia shall acquire any required government permits and make available to the Department of the Army any rights of entry or real estate interests that may be necessary to perform the individual work agreements.

ARTICLE VIII

STATUS OF PERSONNEL AND EQUIPMENT

Article VIII

Status of Personnel and Equipment

1. United States personnel and their dependents who are present in the Federated States of Micronesia for the purpose of performing any work pursuant to this Agreement, including individual work agreements, shall enjoy the privileges and immunities accorded by the Government of the Federated States of Micronesia under Title III of the Compact of Free Association and the Status of Forces Agreement concluded pursuant to Section 323 of the Compact of Free Association.
2. All property, equipment, and supplies brought into the Federated States of Micronesia or acquired in the Federated States of Micronesia by the United States to implement this Agreement or to fulfill individual work agreements shall be exempt from taxes on ownership or use as provided under the Compact of Free Association and the Status of Forces Agreement.

ARTICLE IX
APPLICABILITY OF LAW

Article IX

Applicability of Law

All obligations of the Government of the United States to be carried out under this Agreement or under the terms of any individual work agreement hereunder shall be subject to the laws and regulations of the United States of America. All obligations of the Government of the Federated States of Micronesia to be carried out under this Agreement or under the terms of any individual work agreement shall be subject to the laws and regulations of the Federated States of Micronesia.

ARTICLE X

DISPUTE RESOLUTION

Article X

Dispute Resolution

1. The Government of the United States and the Government of the Federated States of Micronesia shall seek to resolve any dispute concerning this Agreement or any individual work agreement through good faith discussions.
2. Any dispute concerning this Agreement or any individual work agreement hereunder which cannot be settled through good faith discussions shall, upon the request of either party, be referred to a neutral tribunal for review and examination and issuance of advice and recommendations. The tribunal shall consist of two members appointed by the Department of the Army, two members appointed by the Government of the Federated States of Micronesia, and a member jointly appointed by the Signatory Governments who shall be chairman of the tribunal.
3. The Government of the United States and the Government of the Federated States of Micronesia shall give prompt and sympathetic consideration to the advice and recommendations of the neutral tribunal.
4. Section 351 of the Compact as between the Government of the United States and the Government of the Federated States of Micronesia is incorporated by reference into, and becomes a part of this Agreement. Should the Signatory Governments be unable to reach a mutually agreed solution after considering the recommendations of the neutral tribunal, the dispute shall be referred to the Joint Committee established by Section 351 of the Compact and resolved in accordance with that section.

ARTICLE XI

ARRANGEMENTS FOR IMPLEMENTATION

Article XI

Arrangements for Implementation

1. The Department of the Army shall designate in writing an official responsible for receiving requests for technical assistance under this Agreement from the Government of the Federated States of Micronesia.
2. The Government of the Federated States of Micronesia shall designate in writing an official responsible for presenting requests for technical assistance to the Department of the Army and for identifying authorized individuals and offices to contact in connection with individual work agreements.

ARTICLE XII

EFFECTIVE DATE, AMENDMENT AND DURATION

Article XII

Effective Date, Amendment and Duration

1. This Agreement shall enter into force upon signature by the Signatory Governments and shall remain in force for a period of five years unless extended in writing by mutual consent.
2. Either of the Signatory Governments may terminate this Agreement or any individual work agreement upon providing sixty calendar days written notice. The termination shall be effective upon the sixtieth calendar day following notice, unless a later date is set forth. In the event of termination, the Government of the Federated States of Micronesia shall continue to be responsible for all costs incurred by the Government of the United States under this Agreement, including any individual work agreement, for other costs incurred by the Government of the United States to terminate this Agreement or any individual work agreement, and for the costs of closing out or transferring any ongoing contracts that may have been entered into pursuant to this Agreement or any individual work agreement. The Department of the Army shall retain responsibility for administering any contracts awarded by the United States pursuant to this Agreement or to any individual work agreement until such contracts have been closed out or transferred.

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IN WITNESS WHEREOF, the undersigned, duly authorized for the purpose, have signed this Agreement.

DONE AT Honolulu, Hawaii this 21st day of
September, one thousand, nine hundred eighty-nine.

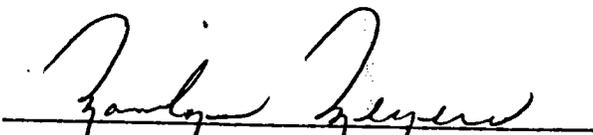
FOR THE GOVERNMENT
OF
THE FEDERATED STATES OF MICRONESIA



Jesse B. Marehalau
Ambassador
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DONE AT Honolulu, Hawaii this 21st day of
September, one thousand, nine hundred eighty-nine.

FOR THE GOVERNMENT
OF
THE UNITED STATES OF AMERICA



Marilyn Meyers
Deputy Assistant Secretary (East Asia and Pacific Affairs)

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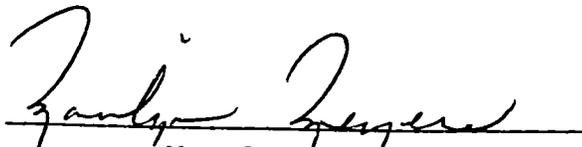
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FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA



Marilyn Meyers

Deputy Assistant Secretary (East Asia and Pacific Affairs)

DONE AT Honolulu, Hawaii this 21st day of September, one thousand, nine hundred eighty-nine.

FOR THE GOVERNMENT

OF

THE FEDERATED STATES OF MICRONESIA



Jesse B. Marehalau
Ambassador