
1992 PARTIAL REVISION AND 1995 REVISION OF THE
RADIO REGULATIONS

SEPTEMBER 11, 2008.—Ordered to be printed

Mr. DODD, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Treaty Docs. 107-17 and 108-28]

The Committee on Foreign Relations, to which was referred the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC-92) (the “1992 Revision”) (Treaty Doc. 107-17) and the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC-95) (the “1995 Revision”) (Treaty Doc. 108-28), having considered the same, reports favorably thereon subject to declarations and reservations, as indicated in the resolutions of advice and consent for each treaty, and recommends the Senate give its advice and consent to ratification thereof, as set forth in this report and the accompanying resolutions of advice and consent.

CONTENTS

	Page
I. Purpose	1
II. Background	2
III. Major Provisions	3
IV. Entry Into Force	6
V. Implementing Legislation	6
VI. Committee Action	7
VII. Committee Recommendation and Comments	7
VIII. Resolution of Advice and Consent to Ratification	13

I. PURPOSE

These two treaties are revisions of the Radio Regulations, which were negotiated at World Radiocommunication Conferences con-

vened under the auspices of the International Telecommunication Union's Radiocommunication Sector. The Radio Regulations generally manage the international radio-frequency spectrum and global satellite orbits with the primary objective of maximizing effective use of these resources while minimizing interference in the operation of radiocommunication systems.

The 1992 Revision was primarily intended to identify bands of spectrum that could be allocated for what were at the time new technologies, such as mobile services operating through a satellite link, although the revision covers many other matters, such as rules for shipboard radio repair and telephone calls placed by passengers from airplanes.

The 1995 Revision was primarily intended to simplify and streamline the Radio Regulations, allocate spectrum in order to permit global deployment of what were at the time new satellite technologies, such as Low Earth-Orbiting Satellites that support global satellite communication systems, and establish new regulatory provisions for both non-geostationary satellites operating in the same frequency bands as geostationary satellites and other space services that share spectrum with the space research and terrestrial services.

II. BACKGROUND

The International Telecommunication Union (the "ITU"), based in Geneva with a membership of 191 countries, is the principal international organization in the area of information and communication technologies, providing a forum for global cooperation and coordination and the promotion of more effective and efficient use of such technologies generally. The ITU was founded in 1865 and was originally called the "International Telegraph Union." Today, some 140 years later, the fundamental objectives of the Organization remain the same, but the scope of the organization's mandate is much broader to match the development of telecommunication technologies over the decades and now includes, for example, broadcasting, satellite sound broadcasting, mobile satellite services, and space services.

In 1992, the ITU underwent a major reorganization, which was undertaken in response to significant changes and developments in the telecommunications area. There are now two treaties that provide the legal basis for the organization: the ITU Constitution and Convention. The United States is a party to both instruments.¹ The ITU Constitution sets out overarching principles governing the ITU's basic structure, purpose, and functions, while the Convention provides greater detail regarding the functional and procedural implementation of the broad structure set forth in the Constitution. Often, the Constitution and Convention contain complementary provisions. The Constitution and Convention establish within the ITU a decision-making structure for three sectors, through which the ITU carries out its work: the Radiocommunication Sector, the Telecommunication Standardization Sector, and Telecommuni-

¹The 1992 ITU Constitution and Convention, along with amendments to both instruments concluded in 1994, were submitted to the Senate by the President on September 13, 1996 (Treaty Doc. 104-34) and approved by the Senate on October 23, 1997. The Constitution and the Convention have since been amended and these amendments have been submitted to the Senate for advice and consent. See Treaty Docs. 108-5, 109-11, and 110-16.

cation Development Sector. The Radio Regulations, which the 1992 Revision and the 1995 Revision amend, are international agreements negotiated at World Radiocommunication Conferences convened under the auspices of the ITU's Radiocommunication Sector.

World Radiocommunication Conferences, which review and revise the Radio Regulations, work on a consensus basis and are generally convened every three to four years, as needed. The final agenda for these conferences is established by the ITU Council, which is the executive body of the ITU and is composed of Member States elected by the Plenipotentiary Conference. The United States currently has a seat on the Council. The 1992 Revision and the 1995 Revision were negotiated respectively at the 1992 and 1995 World Radiocommunication Conferences. The Letters of Submittal from the Secretary of State for these two instruments indicate that the United States either achieved or made progress towards its negotiating objectives at both conferences.² This progress is reflected particularly in spectrum allocations that are generally favorable to U.S. interests.

III. MAJOR PROVISIONS

Summaries of the 1992 Revision and the 1995 Revision may be found in the relevant Letters of Submittal from the Secretary of State to the President, which are reprinted in full in Treaty Documents 107–17 and 108–28. A brief description of certain key provisions in both instruments is set forth below.

A. 1992 REVISION

The 1992 World Radiocommunication Conference considered revisions to the Radio Regulations that affected multiple communication services, including High Frequency Broadcasting, Broadcasting-Satellite Service Sound, Broadcasting-Satellite Service-High Definition Television, Low Earth-Orbiting Satellites, Terrestrial Mobile Service, and Mobile Satellite Service. The Conference was convened primarily to identify bands of spectrum that could be allocated for new and evolving technologies at the time. When negotiating the 1992 Revision, the United States was focused on increasing the amount of radio spectrum available for use by the Voice of America for international broadcasting, obtaining a spectrum allocation for a new digital audio broadcasting service, and obtaining frequency band allocations to support the U.S. National Aeronautics and Space Administration (NASA) space station, the Lunar and Martian space exploration programs, and the next generation of unmanned deep space exploration programs. The United States achieved most of these objectives, but did not obtain as much spectrum as it requested to support the Voice of America.

High Frequency Allocations

High frequency spectrum allocations are particularly important to the United States because they support the Voice of America. The United States sought a considerable amount of additional spectrum in this range in order to relieve congestion in the existing HF broadcasting bands. The United States was able to obtain an additional 790 kHz of spectrum, which includes 200 kHz in the optimal

² See Treaty Doc. 107–17 at pp. VI and VII; Treaty Doc. 108–28 at pp. IV and V.

HF broadcasting bands between 7 and 10 MHz, where the United States has the greatest need. Notwithstanding this additional allocation, the reservation included in the proposed resolution of advice and consent for the 1992 Revision would reserve the right of the United States to take any necessary steps to meet its HF broadcasting needs in bands used by other services.

Satellite Sound Broadcasting

According to the Secretary's Letter of Submittal for the 1992 Revision, the United States, along with several other countries, proposed that spectrum be allocated for digital audio (compact disc quality) broadcasting service from satellites directly to receivers. There was, however, some disagreement among delegations as to the frequency band that should be allocated for this service. A majority of countries selected the 1452–1492 MHz frequency band, while others, including the United States, selected either the 2310–2360 MHz or the 2635–2655 MHz frequency band for this service. The conference adopted the allocations for all three frequency bands.

Mobile Satellite Services

The United States made a number of proposals to support a range of what was then new technology for mobile radio services using satellites. These include low Earth orbit satellite (LEO) systems for data services using frequencies below 1 GHz and LEO systems operating above 1 GHz to support a full range of telecommunication services, including voice and wideband data services. Although not all of the U.S. proposals were accepted, as the Letter of Submittal from the Secretary of State indicates, the United States was "reasonably satisfied with what it did obtain."³ The executive branch has recommended the inclusion of a statement in the Senate's Resolution of advice and consent for the 1992 Revision, which would address any remaining concerns regarding allocations in this area and the committee has included that statement in the draft resolution provided in Section VIII of this report. This statement, which is a reservation, would reserve the right of the United States to take any necessary steps to meet U.S. mobile-satellite needs in the 1–3 GHz band.

Space Services

The 1992 Revision allocates frequency bands to support several space services. For example, allocations were made for NASA projects, including communications for the space station, a moon colony and a manned mission to Mars. The 1992 Revision allocates frequencies to ensure reliable, interference-free communications for extra vehicular activity of astronauts working outside space vehicles on tasks such as constructing space platforms or satellite rescue and repair. Pursuant to a U.S. proposal, the 1992 Revision allocates spectrum to support a U.S. data relay satellite system intended to facilitate the establishment of a multinational Mission-to-Planet-Earth program that will provide data on Earth resources and improve our understanding of meteorological and climatological change. Finally, NASA will be able to achieve greater data

³ See Letter of Submittal from the Secretary of State, Treaty Doc. 107–17 at pp. VI–VII.

rates and better resolution images of solar objects as a result of expanded allocations for space research and new spectrum for the next generation of unmanned deep space exploratory programs.

B. 1995 REVISION

The 1995 World Radio Conference continued some of the work of reviewing spectrum allocations begun at the 1992 conference, but also notably included a substantial effort to make the Radio Regulations a more streamlined and cohesive document. In the end, the 1995 Revision, among other things, allocates spectrum for new global mobile-satellite services, provides new regulatory provisions for non-geostationary satellites operating in the same frequency bands as geostationary satellites, allocates spectrum for other new space services that share spectrum with the space research and terrestrial services, and structurally simplifies the Radio Regulations. When negotiating the 1995 Revision, the United States was focused on achieving an allocation of sufficient feeder link spectrum for Mobile-Satellite Systems (MSS), an expanded allocation of spectrum for MSS below 1 GHz, an adjustment to the global MSS allocation in the 2 GHz band, and an expanded allocation of spectrum for the non-geostationary fixed satellites (NGSO FSS). The United States was mostly successful in attaining its objectives.

Mobile-Satellite Services (MSS)

The 1992 Revision allocated spectrum in the vicinity of 1.6 and 2.4 GHz for MSS. The U.S. Federal Communications Commission licensed three non-geostationary satellite orbit (NGSO) MSS systems to operate in these bands and had additional applications pending. The 1995 Revision made a considerable amount of feeder link spectrum available for U.S. systems, which permits the global deployment of what were at the time new satellite technologies.

Non-Geostationary Satellite Orbit-Mobile Satellite Services

The 1992 Revision allocated 3.45 MHz of spectrum for Non-Geostationary Satellite Orbit-Mobile Satellite Services (NGSO-MSS) operating below 1 GHz. This proved insufficient to accommodate existing MSS systems of the United States and other countries. As a result, the United States proposed expanding the allocation and ultimately a worldwide allocation was obtained in the 1995 Revision of two bands, 455–456 and 459–460 MHz, although the power flux density limit in the 148–149.9 MHz band worldwide allocation was removed. This allocation resulted in a smaller increase in spectrum for NGSO-MSS systems below 1 GHz than the United States proposed, but an increase nevertheless. The 1995 Revision also provided a new regional MSS spectrum allocation in the band 2010–2025 MHz for the Americas.

Regulatory Allocations

New regulatory measures were adopted to allow Geostationary Orbit and Non-Geostationary Orbit Fixed-Satellite Service systems to equitably share the same frequency bands.

Space Sciences

With new space services being added to frequency bands already used by space research and terrestrial services, it was necessary to

establish power limits for satellites and earth stations to ensure that these new services provide adequate protection to existing services operating in the bands. Of particular importance to the United States was protection it obtained in the 1995 Revision for fixed and mobile services in the 2025–52110 MHz band. Additional protection was also obtained for space-based sensors and space-borne precipitation radars used by NASA.

IV. ENTRY INTO FORCE

The 1992 Revision⁴ and the 1995 Revision⁵ will each enter into force for the United States on the date the United States deposits its instrument of ratification with the Secretary-General of the ITU for each revision, respectively. The committee notes, however, that the resolutions adopted at the time of the 1992 Revision provide for the provisional application of certain provisions of the 1992 Revision⁶ and Article S59 of the 1995 Revision provides for the provisional application of the 1995 Revision as of June 1, 1998, with the exception of certain provisions, which applied provisionally as of January 1, 1997.

V. IMPLEMENTING LEGISLATION

The 1992 Revision and the 1995 Revision do not require additional implementing legislation. The Federal Communications Commission (the “FCC”) and the National Telecommunications and Information Administration (the “NTIA”) have broad authority over their respective spheres of telecommunication regulation and would be responsible for implementing these revisions.

The FCC has authority over non-governmental telecommunications and implementation would be authorized by the Communications Act of 1934.⁷ In particular, 47 U.S.C. § 303(r) provides that the Commission shall make “such rules and regulations and prescribe such restrictions and conditions, not inconsistent with

⁴In accordance with Article 54(2) of the ITU’s 1994 Constitution (Treaty Doc. 104–34), which is the most recent version of the ITU’s Constitution and Convention approved by the Senate and ratified by the United States, ratification of the Constitution and the Convention also constitutes consent to be bound by revisions of the Radio Regulations adopted by competent world conferences prior to the date of signature of the Constitution and Convention on December 22, 1992, which would therefore include the 1992 Revision signed on March 3, 1992. The United States, however, made a statement upon signature and again upon ratification of the 1994 Constitution and Convention that its signature and ratification shall not be deemed to constitute U.S. consent to be bound by revisions to the Radio Regulations adopted prior to the date of signature of the Constitution and Convention. As a result, the 1992 Revision has not yet entered into force for the United States.

⁵Article 54(5) of the ITU’s 1994 Constitution (Treaty Doc. 104–34), which is the most recent version of the ITU’s Constitution and Convention approved by the Senate and ratified by the United States, provides that with respect to revisions of the Radio Regulations adopted subsequent to the date of signature of the Constitution and Convention on December 22, 1992 and signed by a Party to the ITU’s 1994 Constitution and Convention, that Party would be deemed to have consented to the revision thirty-six months from the date specified in the revision for the commencement of provisional application, unless that Party had previously notified the Secretary-General of the ITU of its consent to be bound to the revision or had informed the Secretary-General that it does not consent to be bound by the revision. Article 54(5) would apply to the 1995 Revision for the United States, which was adopted subsequent to the date of signature of the Constitution and Convention of December 22, 1992, and signed by the United States on November 17, 1995; however, the United States made a statement upon signature and again upon ratification of the 1994 Constitution and Convention that its signature and ratification shall not be deemed to constitute U.S. consent to be bound by revisions to the Radio Regulations adopted subsequent to the date of signature of the Constitution and Convention, without specific notification to the ITU by the United States of its consent to be bound. As a result, the 1995 Revision has not yet entered into force for the United States.

⁶See, e.g., Resolution 338.

⁷47 U.S.C. § 151 *et seq.*

law, as may be necessary to carry out the provisions of this chapter, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party.” This provision is applicable to the 1992 Revision and the 1995 Revision, and would remain applicable to the revisions upon their entry into force for the United States. The NTIA has authority over governmental telecommunications and implementation of the revisions would be authorized by the National Telecommunications and Information Administration Organization Act.⁸ In particular, 47 U.S.C. § 902(b)(2)(A) and (K) authorize the NTIA to assign frequencies and establish policies concerning spectrum use by radio stations that belong to the United States. Upon entry into force, the 1992 Revision and the 1995 Revision would be binding on the United States. The FCC and the NTIA would be responsible for implementing and ensuring U.S. compliance with the provisions of the 1992 Revision and the 1995 Revision.

VI. COMMITTEE ACTION

The committee held a public hearing on these treaties on July 10, 2008. Testimony was received from Mr. Richard C. Beard, Senior Deputy U.S. Coordinator for International Communications and Information Policy at the Department of State. A transcript of this hearing can be found in Annex II to Executive Report 110–15.

On July 29, 2008, the committee considered the 1992 Revision and the 1995 Revision and ordered them favorably reported by voice vote, with a quorum present and without objection.

VII. COMMITTEE RECOMMENDATION AND COMMENTS

The Committee on Foreign Relations believes that the ITU’s work in support of radio spectrum management is important to advancing U.S. public diplomacy, economic, national security, and scientific interests. One of the key advantages achieved through the 1992 Revision was an increase in the amount of radio spectrum available for use by the Voice of America for international broadcasting, which plays a key role in U.S. public diplomacy efforts through broadcasts around the globe, including to closed societies. Moreover, the U.S. telecommunications industry is highly dependent upon the ITU for radio spectrum management, an area that is also vitally important to U.S. defense, intelligence, and aeronautics agencies. Both the 1992 Revision and the 1995 Revision allocate additional spectrum for new technologies that are of importance to the U.S. telecommunications industry. According to the Telecommunications Industry Association (the “TIA”), the worldwide telecommunications market is expected to grow at a 9.2 percent compound annual growth rate from 2008 to 2011 and U.S. companies expect to take full advantage of this growth.⁹ The United States is among the leading providers and consumers of telecommunications goods and services. In fact, the U.S. telecommuni-

⁸ 47 U.S.C. § 901 *et seq.*

⁹ According to the TIA, worldwide telecommunications revenue totaled \$3.5 trillion in 2007, up 11.2 percent from 2006. See TIA TELECOMMUNICATIONS MARKET REVIEW AND FORECAST at 3 (2008).

cations industry's revenue totaled \$1 trillion in 2007.¹⁰ The 1992 Revision also provided frequency band allocations to support the NASA space station, Lunar and Martian space exploration programs, as well as the next generation of unmanned deep space exploratory programs. Accordingly, the committee urges the Senate to act promptly to give advice and consent to ratification of the 1992 Revision and 1995 Revision, as set forth in this report and the accompanying resolution of advice and consent.

A FUTURE RADIO REGULATION REVISIONS

In the course of reviewing the 1992 Revision and the 1995 Revision, the committee has given consideration to whether future revisions to the Radio Regulations will require the advice and consent of the Senate. Revisions to the Radio Regulations are technical implementing instruments anticipated in the ITU Constitution, which are expected to regulate the international use of telecommunications and are subject to the provisions of the Constitution and the Convention.¹¹ Given the nature of these instruments, the committee believes that in the future, revisions to the Radio Regulations will not, in the normal course, require the advice and consent of the Senate. Thus, in the future, the committee does not expect the Executive to submit for advice and consent revisions to the Radio Regulations. If there is any question, however, as to whether a revision goes beyond the current mandate of the Radio Regulations as anticipated in the ITU Constitution, the committee expects the executive branch to consult with the committee in a timely manner in order to determine whether advice and consent is necessary.

B. RESOLUTIONS

The committee has included in proposed resolutions for the two revisions various statements, which are discussed below.

I. DECLARATIONS AND RESERVATIONS TO THE 1992 REVISION

The proposed resolution of advice and consent for the 1992 Revision includes three declarations and reservations, which were made by the United States when signing the 1992 Final Acts and are intended to be included in the instrument of ratification, along with a declaration that is not intended to be included in the instrument of ratification.

First Declaration and Reservation (No. 67):

1. In the view of the United States of America, this Conference failed to make adequate provision for the HF needs of the broadcasting service, particularly below 10 MHz, despite an earnest effort to do so. The IFRB's Report to the Conference shows that broadcasters' requirements far outnumber the channels available in the bands between 6 and 11 MHz (where spectrum is urgently needed) and that planning will not work effectively without additional and adequate HF spectrum. Therefore, the United States of America reserves the right to take the necessary steps to meet the HF needs of its broadcasting service.

¹⁰*Ibid.*

¹¹See Articles 4 and 54 of the ITU Constitution, Treaty Doc. 104-34 at pp. 24 and 60.

2. The United States of America, while welcoming the cessation by some administrations of willful harmful interference to HF broadcasting, remains concerned that the United States' broadcasting service continues to be subject to willful harmful interference in contravention of Article 35 of the Convention. Such interference is incompatible with the rational and equitable use of these bands. The United States of America declares that as long as any such interference exists, it reserves the right with respect to such interference to take necessary and appropriate actions to protect its broadcasting interests. In doing so, it will respect, to the maximum extent possible, the rights of administrations operating in accordance with the Convention and the Radio Regulations.

3. The United States of America declares that, in view of the fact that the Conference has unduly restricted allocations for mobile-satellite services in the bands of 1530—1559 MHz and 1631.5—1660.5 MHz, it will utilize these bands in the way most appropriate to satisfy its particular mobile-satellite service requirements recognizing the priority of AMSS(R) and maritime safety communications.

4. In the view of the United States of America, this Conference has unduly delayed the availability of sufficient spectrum for the mobile-satellite service in the range of 1—3 GHz on an international and regional basis. Therefore, the United States of America reserves its right to take any necessary steps to meet the needs of the mobile-satellite service in this band.

5. With regard to Resolution 46 (WARC-92), the United States of America understands that nothing in the fourth preambular paragraph and any reference to the Resolution in the Radio Regulations shall be interpreted to constitute any recognition of new rights of Members of the Union beyond those specified in the International Telecommunication Convention and the Administrative Regulations in force. In particular, sub-paragraph b) shall not be interpreted to constitute a recognition of claims of sovereignty over any part of outer space. Such claims, in violation of international law, cannot be recognized by this Conference.

6. The United States of America understands that nothing in Resolution 70 (WARC-92) shall alter the category of any allocation made at this Conference and that any studies by organs of the Union on this matter shall be conducted and implemented in accordance with the International Telecommunication Convention and the Administrative Regulations.

This proposed statement addresses concerns regarding decisions of the conference that failed to make adequate provision for certain U.S. spectrum needs, did not protect certain U.S. broadcasting services from willful harmful interference, or could be construed to create new rights for ITU Members.

Second Declaration and Reservation (No. 79):

Referring to statements relating to the frequency range below 3 GHz concerning mobile-satellite services, it is necessary to highlight an oversight in drafting and reading texts which could lead to a new and unnecessary burden of coordination between geostationary space stations and terrestrial services in certain frequency bands. Accordingly, the above Administrations will not ac-

cept any commitments for this form of coordination arising from omission of the term “non-geostationary” in the text of certain footnotes, e.g. Footnote Nos. 726x and 7xx, to the Table of Frequency Allocation in Article 8. This reservation is made on behalf of all national and international organizations for whose frequency assignments the two countries are the notifying Administrations.

This proposed statement was made by both the United States and the United Kingdom when signing the 1992 Final Acts and concerns mobile-satellite services provided in the frequency band below 3 GHz. The reservation reflects U.S. concerns that certain provisions of the 1992 Revision could lead to an unnecessary burden of requiring coordination between geostationary space stations and terrestrial services. In brief, both the United States and the United Kingdom refuse to accept any additional commitments for coordination.

Third Declaration and Reservation (No. 80):

1. With reference to Statement No. 52 of the Administration of Cuba, the United States of America notes that the United States presence in Guantanamo is by virtue of a treaty in force; the United States reserves the right to meet its radiocommunication requirements there as it has in the past.

2. With reference to Statement No. 60 of Belarus, the Russian Federation, and Ukraine, the United States of America notes that the other former Republics of the former USSR referred to in that Statement are independent States, not Members of the Union at this time, whose rights and obligations cannot be asserted by the Members that filed that Statement.

This proposed statement responds to two statements, one by Cuba and the other by several states of the former USSR. Cuba’s statement concerns the use of radio frequencies by the United States at the U.S. naval base at Guantanamo, Cuba. The other statement, made by Belarus, Russia, and the Ukraine, simply notes that the other former Republics of the former USSR referred to in their statement, which include the Republic of Azerbaijan, the Republic of Armenia, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, the Republic of Uzbekistan, and Turkmenistan, were not Members of the Union at the time and their rights and obligations cannot be asserted by Belarus, Russia, and the Ukraine.

Final Declaration:

This Treaty is not self-executing.

*This proposed declaration states that the 1992 Revision is not self-executing. The Senate has rarely included statements regarding the self-executing nature of treaties in resolutions of advice and consent, but in light of the recent Supreme Court decision, *Medellín v. Texas*, 128 S.Ct. 1346 (2008), the committee has determined that a clear statement in the resolution is warranted. A further discussion of the committee’s views on this matter can be found in Section VIII of Executive Report 110–12.*

II. DECLARATIONS AND RESERVATIONS TO THE 1995 REVISION

The proposed resolution of advice and consent for the 1995 Revision includes four declarations and reservations, which were made

by the United States when signing the 1995 Final Acts and are intended to be included in the instrument of ratification, along with a declaration that is not intended to be included in the instrument of ratification.

First Declaration and Reservation (No. 67(3)):

The United States of America declares that, in view of the fact that the Conference has unduly restricted allocations for mobile-satellite services in the bands of 1525—1559 MHz and 1626.5—1660.5 MHz, it will utilize these bands in the way most appropriate to satisfy its particular mobile-satellite service requirements recognizing the priority of AMSS(R) and maritime safety communications.

This proposed statement addresses concerns regarding decisions of the conference that failed to make adequate provision for U.S. mobile satellite services.

Second Declaration and Reservation (No. 68):

Referring to the frequency range below 3 GHz concerning mobile-satellite services, it is necessary to note that proposals were put forward at this Conference to revise No. 726D (S5.354) to the Table of Frequency Allocations in Article 8 in order to avoid additional and unnecessary burdens of coordination between geostationary and non-geostationary mobile-satellite networks in the bands 1525—1559 MHz and 1626.5—1660.5 MHz. There was insufficient time to consider these proposals at this Conference. Accordingly, the above administrations will not accept any additional commitments for coordination arising from No. 726D (S5.354). This reservation is made on behalf of all national and international organizations for whose frequency assignments the two countries are the notifying administrations.

This proposed statement was made by both the United States and the United Kingdom when signing the 1995 Final Acts and concerns the coordination between geostationary and non-geostationary mobile-satellite networks in certain frequency bands below 3 GHz. The reservation reflects U.S. concerns that certain provisions of the 1995 Revision could lead to an unnecessary burden of requiring coordination between geostationary space stations and terrestrial services. In brief, both the United States and the United Kingdom refuse to accept any additional commitments for coordination.

Third Declaration and Reservation (No. 78):

The delegations of the above-mentioned countries referring to the Declaration made by the Republic of Colombia (No. 16), inasmuch as this statement refers to the Bogota Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary orbit, and any similar statements, consider the claims in question cannot be recognized by this Conference. Further, the above-mentioned delegations wish to affirm or reaffirm the Declarations made on behalf of a number of the above-mentioned Administrations in this regard when signing the Final Acts of the World Administrative Radio Conference (Geneva, 1979), and the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (first and sec-

ond sessions, Geneva, 1985 and 1988), the Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989), in the Final Protocol of the International Telecommunication Convention (Nairobi, 1982) and the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), as if these Declarations were here repeated in full.

The above-mentioned delegations also wish to state that reference in Article 44 of the Constitution to the “geographical situation of particular countries” does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

This proposed statement was made by the United States and 14 other countries when signing the 1995 Final Acts. The statement responds to a statement made by Colombia regarding the use of the geostationary satellite orbit and makes it clear that the claims made in Colombia’s statement to exercise sovereign rights over segments of the geostationary orbit, and any similar statements, cannot be recognized by this Conference. Moreover, the proposed statement makes clear that the reference in Article 44 of the ITU Constitution to the “geographical situation of particular countries” does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

Fourth Declaration and Reservation (No. 82):

With respect to Declarations 39, 50, 54, 59 and 64, the interpretation of the United States of America on the basis of which the majority of delegations to this Conference supported the United States of America and Indonesian proposals which resulted in Resolution 118 (WRC-95) is as follows:

Any satellite system, GSO or non-GSO, communicated or notified to the Bureau before 18 November 1995 has a status derived from the date of notification or communication of information required for coordination or notification, as the case may be.

As of 18 November 1995, Resolution 46 applies to all these systems and they shall be coordinated one system with respect to another system in order of receipt of the information described above.

With respect to the applicability of No. 2613 as agreed in committee 4, No. 2613 is of an operational character and No. 2613 and Resolution 46 are mutually exclusive.

The United States of America reiterates and incorporates by reference all declarations or reservations made at prior world radiocommunication conferences and in particular with regard to Declaration 60 of this Conference.

This proposed statement responds to several declarations made by various delegations and incorporates by reference previous reservations and declarations made by the United States.

Final Declaration:

This Treaty is not self-executing.

This proposed declaration states that the 1992 Revision is not self-executing. The Senate has rarely included statements regarding the self-executing nature of treaties in resolutions of advice and con-

sent, but in light of the recent Supreme Court decision, Medellín v. Texas, 128 S.Ct. 1346 (2008), the committee has determined that a clear statement in the resolution is warranted. A further discussion of the committee's views on this matter can be found in Section VIII of Executive Report 110-12.

VIII. RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

1992 PARTIAL REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),
SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO RESERVATIONS AND DECLARATIONS.

The Senate advises and consents to the ratification of the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC-92) (the "1992 Final Acts") (Treaty Doc. 107-17), subject to declarations and reservations Nos. 67, 79, and 80 of the 1992 Final Acts and the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

1995 REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),
SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO RESERVATIONS AND DECLARATIONS.

The Senate advises and consents to the ratification of the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC-95) (the "1995 Final Acts") (Treaty Doc. 108-28), subject to declarations and reservations Nos. 67(3), 68, 78, and 82 of the 1995 Final Acts and the declaration of section 2.

SECTION 2. DECLARATION

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

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