

## **Executive Order No. 365**

*To order that the legal authority and mandate of the High-Speed Broadband Internet Task Force created pursuant to Executive Order No. 344 is to pass to the Palau representatives of the Micro-Pal Fiber Optic Joint Committee with the Federated States of Micronesia.*

**WHEREAS**, the Republic of Palau is in a remote corner of the world in which it can be difficult to connect to the wider world; and

**WHEREAS**, in the most recent decade the use of the internet as a means of communication, learning, and a business tool has exploded around the world; and

**WHEREAS**, the Internet is now the most widely used medium of communicating information between people, between countries, and between different cultures, as the world is now beginning to develop a shared community by connecting with one another through the internet; and

**WHEREAS**, the remoteness of the Republic of Palau has historically led to it being isolated from the rest of the world, and the current level of internet bandwidth in the Republic threatens to exacerbate that isolation unless something is done to strengthen Palau's connection to the rest of the world through the internet; and

**WHEREAS**, in light of the foregoing, the President of the Republic executed Executive Order No. 344 establishing a High-Speed Broadband Internet Task Force, whose task is to evaluate "all possible means of upgrading the current infrastructure in order to increase the bandwidth available to the Republic"; and

**WHEREAS**, endowed with the authority of Executive Order No. 344 the High-speed Broadband Internet Task Force issued a report to President Tommy E. Remengesau, Jr. regarding the viability of an improved satellite connection as an immediate and intermediate solution to improving the bandwidth available to the Republic; and

**WHEREAS**, the High-Speed Broadband Internet Task Force has also begun to evaluate informal proposals for a fiber optic connection between Palau and the U.S. Territory of Guam; and

**WHEREAS**, the Federated States of Micronesia has also established a Task Force endowed with similar authority; and

**WHEREAS**, it has become apparent that the Federated States of Micronesia and the Republic of Palau may be able to obtain a fiber optic cable for both countries at a lower cost to both if the two countries work together; and

**WHEREAS**, the Federated States of Micronesia qualifies for a grant from the World Bank that may be utilized to finance a fiber optic cable; and

**WHEREAS**, the Republic of Palau is in the process of negotiating a financing package with the World Bank and the Asian Development Bank, as well as looking into the possibility of obtaining additional financing through private equity sources; and

**WHEREAS**, in light of the foregoing, the President of the Republic of Palau and the President of the Federated States of Micronesia have executed a Memorandum of Understanding formalizing the understanding in principle to work together through a single project management entity in a joint effort to procure a fiber optic cable connecting Palau, Yap State of the Federated States of Micronesia, and the U.S. Territory of Guam; and

**WHEREAS**, the effort of the Republic to obtain a fiber optic cable is in the process of moving from the informal evaluation of the options available to the Republic to active participation in a joint effort with the Federated States of Micronesia to procure a fiber optic cable; and

**WHEREAS**, this movement towards issuing a formal Request for Proposal and entertaining the possible procurement of a fiber optic cable through a joint venture with the Federated States of Micronesia means that the legal authority of the High-Speed Broadband Internet Task Force must cease and new legal authority must be vested in the Palau side of the Micro-Pal Fiber Optic Joint Committee so that the possible joint venture may begin to move forward; and

**NOW THEREFORE**, in light of the foregoing and in accordance with the authority set forth in the Constitution and applicable laws of the Republic as vested in the President, I hereby order as follows:

- (a) That the High-speed Broadband Internet Task Force is hereby disbanded and its legal authority and mandate shall pass to the Palau representatives of the Micro-Pal Fiber Optic Joint Committee established with the Federated States of Micronesia.
- (b) That the representatives of the Palau side of the Micro-Pal Fiber Optic Joint Committee shall be those individuals set forth in the Memorandum of Understanding with the Federated States of Micronesia:

- (1) Rhinehart Silas, Vice-Chairman, Palau National Communications Corporation.
  - (2) Keobel Sakuma, Press Secretary, Office of the President, Republic of Palau.
  - (3) Ryan D. Zinchevsky, Legal Counsel, Office of the President, Republic of Palau.
- (c) That the Palau representatives shall work with the Ministry of Public Infrastructure, Industries, and Commerce to develop Palau's legal, regulatory, and institutional environment to provide a foundation for improved access and affordability of telecommunications services, alongside increased private sector investment in the telecommunications sector and the prohibition of monopoly pricing.
  - (d) That the Palau representatives shall coordinate with the appropriate Procurement Officers of the Republic in order to ensure that the procurement of the fiber optic cable through a joint venture with the Federated States of Micronesia goes through the appropriate procurement process under Palau law.
  - (e) That the Palau representatives shall work closely with the Minister of Finance in order to ensure that the final financing terms submitted to the Olbiil Era Kelulau for approval fit within the long-term financing goals of the Republic.
  - (f) The Palau representatives shall report to the President of the Republic on a regular basis.

It is so ordered this April 11, 2014:

/s/  
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Tommy E. Remengesau, Jr.  
President  
Republic of Palau