

# Protocol Concerning the Use of Radio Frequencies by Certain Fixed Terrestrial Links Constituting a Cross Border Public Security Communications Network Along the Common Border

September 1, 2009

## PROTOCOL BETWEEN THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA AND THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION OF THE UNITED MEXICAN STATES CONCERNING THE USE OF RADIO FREQUENCIES BY CERTAIN FIXED TERRESTRIAL LINKS CONSTITUTING A CROSS BORDER PUBLIC SECURITY COMMUNICATIONS NETWORK ALONG THE COMMON BORDER

This Protocol is being concluded pursuant to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, signed at Williamsburg, Virginia June 16, 1994 (hereinafter referred to as the "Agreement").

### ARTICLE I. Purposes

The purposes of this Protocol are:

1. To ensure that the Administrations, as defined in Article II of this Protocol, establish and carry out a plan of assigning radio frequencies to certain microwave stations that constitute fixed terrestrial cross border links so that the stations are protected from harmful interference;
2. To establish the concept of the Cross Border Public Security<sup>1</sup> Communications Network (hereinafter the "Network") that consists of certain fixed terrestrial cross border links;
3. To establish a United States-Mexico Working Group on Cross Border Public Security Communications (hereinafter referred to as the "Working Group") to enhance the interoperability of public security communications through the Network on each side of the common border for the purpose of improving border security and combating border violence; and
4. To establish membership, mandate, function and administration of the Working Group.

### ARTICLE II. Designation of Administrations

The National Telecommunications and Information Administration ("NTIA") and the Department of Homeland Security ("DHS") are hereby designated as the responsible Administrations for the implementation of this Protocol for the United States of America (hereinafter "United States"), as provided in Article IV of the Agreement. The Secretariat of Communications and Transportation ("SCT") and the Secretariat of Public Security ("SSP") of the United Mexican States are hereby designated as the responsible Administrations for the implementation of this Protocol for the United Mexican States (hereinafter "Mexico"), as provided in Article IV of the Agreement. For purposes of coordination and operation of the Working Group with the designated Administration of the other party, DHS is the designated Administration for the United States and SSP is the designated Administration for Mexico.

### ARTICLE III. Protection of Existing Assignments

The NTIA and SCT shall take the necessary steps in their national assignment processes, in their maintenance of databases containing appropriate assignment data, and in their national spectrum administration procedures, to protect from interference the existing assignments constituting the Network and that are designated to receive such protection by DHS and SSP.

### ARTICLE IV. Designation of Stations and Exchange of Technical Information

1. The DHS and SSP shall jointly identify the particular microwave stations that make up the terrestrial links that will constitute the Network under this Protocol.
2. At the time of the signing and entry into force of this Protocol, the NTIA and SCT shall exchange letters of understanding that include the assignment data and technical parameters of the U.S. and Mexican microwave stations that make up the terrestrial links that constitute the Network mentioned in Article III and paragraph 1 of this Article.

### ARTICLE V. Confidentiality and Protection of Information

1. The four Administrations mentioned in Article II above (NTIA, DHS, SCT and SSP) shall seek to protect from disclosure the technical information regarding the microwave stations that constitute the Network, including the exchanged assignment data and technical parameters, in order to protect the critical infrastructure from security breaches and harm.
2. The Co-Chairs of the Working Group established under Article VI may authorize the provision of the technical information mentioned in paragraph 1 of this Article to state, local or similar governmental public security organizations that may become interconnected to the Network on the condition that the information not be further disclosed.

### ARTICLE VI. Membership of the Working Group

The Working Group shall have the following membership:

1. For the United States: Representatives of the:
  - a. DHS;
  - b. NTIA;
  - c. Federal Communications Commission ("FCC"); and
  - d. Department of State ("State").
2. For Mexico: Representatives of the:
  - a. SSP; and
  - b. SCT.
3. A representative of DHS and a representative of SSP shall serve as Co-chairs.
4. As mutually agreed, the Working Group may invite representatives of other federal, state, local or similar governmental public security organizations to