

DEFENSE

Cooperation

**Agreement Between the
UNITED STATES OF AMERICA
and EL SALVADOR**

Effected by Exchange of Notes at
San Salvador February 6 and 28, 2017



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

EL SALVADOR

Defense: Cooperation

*Agreement effected by exchange of notes
at San Salvador February 6 and 28, 2017;
Entered into force September 28, 2017.*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador, and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, the Arms Export Control Act, the Global Peace Operations Initiative (GPOI), and other Department of Defense authorities, and the furnishing of defense articles, related training, and other defense services, from the United States of America to El Salvador under such authorities. In this regard, the Embassy refers to the Agreement between the Government of the United States of America and the Government of the Republic of El Salvador regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the United States International Military and Education Training program, effected by exchange of notes at San Salvador on October 31, 2005, August 18, 2006, and December 8, 2006 ("2006 Agreement").

In accordance with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of El Salvador agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Republic of El Salvador shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee, or agent of the Government of the Republic of El Salvador;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of El Salvador to transfer such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished:

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of El Salvador in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America; and

D. That the Government of the Republic of El Salvador shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories, and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of El Salvador.

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Republic of El Salvador, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement between the two Governments, which shall enter into

force on the date of the Ministry's note and shall supersede in its entirety the aforementioned 2006 Agreement.

The Embassy of the United States of America takes the opportunity to renew to the Ministry of Foreign Affairs of the Republic of El Salvador the assurances of its highest and most distinguished consideration.

Embassy of the United States of America

San Salvador, February 6, 2017.





Translation

Ministry of Foreign Relations
Republic of El Salvador, C.A.

Office of the Minister

No. DGAJ/DNT/No. 96/2017

The Ministry of Foreign Relations of the Republic of El Salvador has the honor to acknowledge receipt of diplomatic note No. 83 of February 6, 2017, which reads as follows:

“Official Translation”

Quote:

No. 83

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of El Salvador and has the honor to refer to earlier discussions between representatives of our two Governments regarding the Foreign Assistance Act of 1961, and successor legislation, the Arms Export Control Act, the Global Peace Operations Initiative (GPOI), and other Department of Defense authorities; and the furnishing of defense articles, related training, and other defense services, by the United States of America to El Salvador under such authorities. In this regard, the Embassy refers to the Agreement between the Government of the United States of America and the Government of the Republic of El Salvador regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the

United States Military and Education Training program, effected by exchange of notes at San Salvador on October 31, 2005, August 18, 2006, and December 8, 2006 ("2006 Agreement").

In accordance with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of El Salvador agree:

- A. That unless the consent of the Government of the United States of America has first been obtained, the Government of the Republic of El Salvador:
 - (I) Shall not permit any use of such defense articles, related training activities, including training materials, or other defense services by anyone other than an official, employee, or agent of the Government of the Republic of El Salvador;
 - (II) Shall not transfer, or permit anyone other than an official, employee, or agent of the Government of the Republic of El Salvador to transfer defense articles and services by gift, sale or otherwise; and
 - (III) Shall not use, nor permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished.
- B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;
- C. That the net proceeds of sale received by the Government of the Republic of El Salvador in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to

the Government of the United States of America;

- D. That the Government of the Republic of El Salvador shall maintain the security of such defense articles, related training, including training materials, or other defense services; it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories, and evaluation by, and furnish the necessary information to, representatives of the Government of the United States of America, with regard to the use thereof by the Government of the Republic of El Salvador.
- E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Republic of El Salvador, the Embassy proposes that this note and a note from the Ministry of Foreign Relations to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the aforementioned 2006 Agreement.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of El Salvador the assurances of its highest consideration.

Embassy of the United States of America
San Salvador, February 6, 2017

Unquote.

The Ministry of Foreign Relations has the honor to confirm that the foregoing provisions are acceptable to the Government of the Republic of El Salvador and that the Embassy's note, together with a note reporting that domestic legal procedures have been completed, shall constitute an agreement on this matter.

The Ministry of Foreign Relations of the Republic of El Salvador renews to the Embassy the assurances of its high consideration and esteem.

San Salvador, February 28, 2017

[Signature]

[Ministry stamp]



MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C. A.

Secretaría de Estado
DGAJ/DNT/Nº 96/2017

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPÚBLICA DE EL SALVADOR, tiene el honor de acusar recibo a Nota Diplomática Nº 83, de fecha 6 de febrero de 2017, la cual literalmente dice:

"TRADUCCIÓN OFICIAL"

No. 83

La Embajada de los Estados Unidos de América saluda atentamente al Ministerio de Relaciones Exteriores de la República de El Salvador, y tiene el honor de referirse a conversaciones habidas entre representantes de nuestros dos gobiernos acerca de la Ley de Asistencia al Exterior de 1961 y su legislación sucesora, la Ley de Control de Exportación de Armas; la Iniciativa de Operaciones de Paz Mundial (GPOI, por sus siglas en inglés) y otras facultades del Departamento de Defensa; y la suministración de artículos de defensa, la capacitación asociada a la misma y otros servicios de defensa por parte de los Estados Unidos de América a El Salvador en virtud de esas facultades. En este sentido, la Embajada invoca el Acuerdo entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador relativo a las subvenciones hechas con sujeción a la Ley de Asistencia al Exterior de 1961 y sus enmiendas o legislaciones sucesoras, y la suministración de artículos de defensa, servicios de defensa y la capacitación asociada a la misma, inclusive de conformidad con el Programa de Educación y Capacitación Militar de los Estados Unidos, celebrado mediante canje de notas en San Salvador, los días 31 de octubre de 2005, 18 de agosto de 2006 y 8 de diciembre de 2006 ("Acuerdo de 2006").

De conformidad con las conversaciones anteriores, la Embajada propone que el Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador acuerden:

- A. Que, salvo aprobación previa obtenida del Gobierno de Estados Unidos de América, el Gobierno de la República de El Salvador:
 - I) No permitirá ningún uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, ni otros servicios de defensa por nadie que no sea oficial, empleado, o representante del Gobierno de la República de El Salvador;
 - II) No transferirá, ni permitirá que ningún oficial, empleado, ni representante del Gobierno de la República de El Salvador transfiera tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, como regalo, venta, ni de ninguna otra forma; ni



MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C. A.

- III) Usará ni permitirá el uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, para propósitos que no sean aquellos para los cuales se entregaron.
- B. Que esos artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, y otros servicios de defensa, serán devueltos al Gobierno de los Estados Unidos de América cuando ya no sean necesarios para los propósitos por los que fueron suministrados, a menos que el Gobierno de los Estados Unidos de América apruebe otra disposición;
- C. Que el beneficio neto de la venta recibido por el Gobierno de la República de El Salvador al deshacerse, con el permiso previo por escrito del Gobierno de los Estados Unidos de América, de cualquier artículo de defensa proporcionado por el Gobierno de los Estados Unidos de América como dádiva, incluida cualquier chatarra restante de tal artículo de defensa, será pagado al Gobierno de los Estados Unidos de América; y
- D. Que el Gobierno de la República de El Salvador deberá mantener la seguridad de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa; que deberá suministrar esencialmente el mismo grado de protección de seguridad que les otorga el Gobierno de los Estados Unidos de América a tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa; y que deberá, según lo requiera el Gobierno de los Estados Unidos de América, permitir la observación permanente, inspecciones programadas, inventarios físicos y la evaluación por representantes del Gobierno de los Estados Unidos de América, además de suministrarles la información necesaria, con respecto al uso de esos artículos por el Gobierno de la República de El Salvador.
- E. Que el Gobierno de los Estados Unidos de América podrá también, de vez en cuando, sujetar el suministro de artículos y servicios brindados conforme a otras autoridades a los términos y condiciones del acuerdo aquí propuesto.

Si las propuestas antedichas son aceptables para el Gobierno de la República de El Salvador, la Embajada propone que esta nota y la nota del Ministerio de Relaciones Exteriores, del mismo tenor, constituyan un acuerdo entre los dos gobiernos, el cual entrará en vigor en la fecha de la nota del ministerio y deberá sustituir en su totalidad al Acuerdo de 2006 mencionado anteriormente.

La Embajada de los Estados Unidos de América aprovecha la oportunidad de reiterar al Ministerio de Relaciones Exteriores de la República de El Salvador las muestras de su más alta y distinguida consideración.



MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C. A.

Embajada de los Estados Unidos de América.

San Salvador, 6 de febrero de 2017".

EL MINISTERIO DE RELACIONES EXTERIORES tiene el honor de confirmar que las disposiciones anteriormente establecidas son aceptables para el Gobierno de la República de El Salvador, y que la nota de esa Representación Diplomática, junto con la nota en la cual se comuniqué que se ha cumplido con los trámites internos legales, constituirá un Acuerdo sobre este asunto.

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPÚBLICA DE EL SALVADOR, reitera a esa Honorable Representación las seguridades de su más alta consideración y estima.

San Salvador, 28 de febrero de 2017.

