

No. 447

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Peru and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, from the United States of America to the Government of the Republic of Peru pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard, the Embassy refers to the Military Assistance Agreement between the United States of America and the Republic of Peru, signed at Lima on February 22, 1952.

In accordance with these discussions, it is proposed that the Government of the Republic of Peru agree:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of the Republic of Peru 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 Peru;
- (II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Peru 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 provided;

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;

DIPLOMATIC NOTE

C. That the net proceeds of sale received by the Government of the Republic of Peru in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by 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 Peru shall maintain the security of such defense articles, related training, including training materials, and other defense services; that 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; that it shall, as the Government of the United States of America may require, permit continuous observation 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 Peru; and

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 (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry's note stating that the foregoing is acceptable to the Government of the Republic of Peru shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

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

Embassy of the United States of America,
Lima, May 24, 2007.





TRANSLATION

No. RE (GAB) No. 6-3 / 286

The Ministry of Foreign Relations of Peru presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of its note No. 447 of May 24, 2007, referring to grants under the Foreign Assistance Act of 1961, which reads as follows:

[See text of U.S. Embassy note No. 447]

The Ministry of Foreign Relations of Peru has the honor to confirm to the Embassy of the United States of America that the proposal contained in Note No. 447 above is acceptable to the Government of Peru and confirms that said note and this note in reply shall constitute an agreement between our two governments, which shall enter into force on today's date.

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

Lima, July 13, 2007

[Initialed]
[Ministry stamp]