

No. 90

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Dominican Republic 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, including pursuant to the International Military Education and Training Program, from the United States of America to the Government of the Dominican Republic pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation. In this regard the Embassy refers to the Military Assistance Agreement between the Government of the United States of America and the Government of the Dominican Republic, signed at Santo Domingo on March 8, 1962, and the Agreement concerning payment to the United States of net proceeds from the sale or disposal of defense articles furnished on a grant basis, effected by exchange of notes at Santo Domingo May 30 and August 8, 1974, as amended.

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

DIPLOMATIC NOTE

A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Dominican Republic 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 Dominican Republic:

(II) Transfer, or permit any officer, employee or agent of the Government of the Dominican Republic 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;

C. That the net proceeds of sale received by the Government of the Dominican Republic 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 Dominican Republic 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, 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 Dominican Republic; 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.)

It is further proposed that this Agreement shall supersede the above-referenced 1974 agreement, as amended. This Agreement shall apply to defense articles and defense services to which the superseded 1974 agreement had applied prior to entry into force of this Agreement.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Dominican Republic 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 appreciates favorable consideration of its request by the Government of the Dominican Republic and avails itself of this opportunity to express to the Secretariat of State for Foreign Relations the renewed assurance of its highest consideration.

Embassy of the United States of America

Santo Domingo, May 17, 2007.





Translation

**Dominican Republic
Ministry of Foreign Affairs**

No. DEJ/STI 16058

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of the Embassy's note dated May 17, 2007, which reads as follows:

[See U.S. Text]

The Ministry of Foreign Affairs wishes to confirm that the proposals set forth in the Embassy's note are acceptable to the Dominican Government. Accordingly, that note and this reply hereby constitute an agreement between the two Governments, which shall enter into force on today's date.

[Complimentary close]

Santo Domingo, D.N., June 28, 2007

[Signature]

[Ministry stamp]