

No. 325

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Government of Chile 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, defense services, and related training, including pursuant to the United States International Military and Education Training Program, from the Government of the United States of America to the Government of Chile pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation.

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

A. That unless the consent of the Government of the United States of America has been first obtained the Government of Chile 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 Chile;

(II) Transfer or permit any officer, employee or agent of the Government of Chile 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 Chile 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 Chile 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 Chile; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training 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.)

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

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 Chile the assurances of its highest and most distinguished consideration.

Embassy of the United States of America,  
Santiago, December 6, 2005.





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Translation

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No. [illegible]

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States of America and refers to its note verbale No. 325 of December 6, 2005, regarding the awarding of 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, from the Government of the United States of America to the Government of Chile pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation.

In this regard, the Ministry of Foreign Relations is pleased to report that the Government of Chile considers the terms of the present proposal to be acceptable as set forth in note verbale No. 325. Accordingly, said note shall constitute an agreement between the Government of Chile and the Government of the United States, which shall enter into force on the date of this note.

[complimentary close]

Santiago, July 5, 2006

[Initialed]

[Ministry stamp]