

DEFENSE

Grant Assistance

Agreement Between the UNITED STATES OF AMERICA and FRANCE

Effectuated by Exchange of Notes at Paris September 30, 2019

Entered into force September 30, 2019



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.”

No. 2019/331

The Embassy of the United States of America presents its compliments to the French Ministry of Europe and Foreign Affairs and has the honor to refer to earlier discussions between representatives of the two Governments regarding grant assistance from the United States of America to the Government of the French Republic under applicable authorities.

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the government of the French Republic agree:

- A. That the scope of the provisions of this assistance is restricted to the support furnished on a grant basis by the United States of America to the Government of the French Republic for purposes of French operations against terrorist armed groups in Africa and applies to defense services to include aerial refueling, inter-theater fixed-wing airlift, and intra-theater fixed-wing airlift.
- B. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the French Republic shall not:
 - (I) Permit any use of such granted defense services by anyone not an officer, employee, or agent of the Government of the French Republic;
 - (II) Transfer, or permit any officer, employee, or agent of the Government of the French Republic to transfer such granted defense services by gift, sale, or otherwise, or

DIPLOMATIC NOTE

(III) Use, or permit the use of, such granted defense services for purposes other than those for which furnished as referred to in A.

- C. That such granted 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;
- D. That Government of the French Republic shall maintain the security of such granted defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense services by the Government of the United States of America; and it shall, as the Government of the United States of America may require, through prior coordination with the French military authorities as set forth in an Implementing Arrangement, permit continuous observation, scheduled inspections, physical inventories and review, 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 French Republic; and
- E. That the Government of the United States of America may also, from time to time, make the provision of the granted 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 French Republic, the Embassy proposes that this note and a note from the Ministry of Europe and Foreign Affairs to that effect shall constitute an agreement between the two Governments which shall enter into force on the date of the Department's note to reply.

Embassy of United States of America



Paris, September 30, 1919

**MINISTÈRE DE L'EUROPE
ET DES AFFAIRES ÉTRANGÈRES**

Le 30 septembre 2019

N°

Le Ministère de l'Europe et des Affaires étrangères présente ses compliments à l'Ambassade des États-Unis d'Amérique et accuse réception de la note n° 2019-331 datée du 30 septembre 2019, dont le texte est le suivant :

« L'ambassade des États-Unis présente ses compliments au Ministère de l'Europe et des Affaires étrangères et a l'honneur de se reporter aux discussions précédentes entre les représentants des deux gouvernements concernant l'assistance fournie à titre gracieux par les États-Unis d'Amérique au gouvernement de la République française en vertu de leur législation respective.

A la suite de ces discussions, l'Ambassade propose que le gouvernement des États-Unis d'Amérique et le gouvernement de la République française conviennent de ce qui suit :

- A. Le champ d'application de cette assistance est limité au soutien fourni à titre gracieux par le gouvernement des États-Unis d'Amérique au gouvernement de la République française aux fins d'opérations françaises contre les groupes armés terroristes en Afrique et concerne des prestations de défense, notamment le ravitaillement en vol, les opérations de transport aérien stratégique inter-théâtre et tactique intra-théâtre par des aéronefs à voilure fixe.**
- B. Le gouvernement de la République française, excepté s'il a obtenu au préalable une autorisation écrite du gouvernement des États-Unis d'Amérique, ne doit pas :**
 - (I) Autoriser d'autres personnes que les officiers, employés ou agents du gouvernement de la République française à utiliser les prestations de défense accordées.**
 - (II) Transférer, ou permettre à un officier, employé ou agent du gouvernement de la République française de transférer les prestations de défense accordées, que cela soit sous forme de don, de vente ou par tout autre moyen ; ou**
 - (III) Utiliser, ou permettre l'utilisation, des prestations de défense accordées à des fins autres que celles pour lesquelles ceux-ci ont été fournis comme indiqué au paragraphe A.**
- C. Les services de défense accordés sont restitués au gouvernement des États-Unis d'Amérique lorsqu'ils ne sont plus nécessaires aux fins pour lesquelles ils ont été fournis, à moins que le gouvernement des États-Unis d'Amérique ne consente à un autre arrangement ;**

MINISTÈRE DE L'EUROPE
ET DES AFFAIRES ÉTRANGÈRES

- D. Le gouvernement de la République française s'engage à maintenir la sécurité desdites prestations de défense accordées, il met en place un niveau de protection similaire en matière de sécurité que celui qu'offre le gouvernement des États-Unis d'Amérique à de telles prestations de défense, et il permet, si le gouvernement des États-Unis d'Amérique le demande et en coordination préalable avec les autorités militaires françaises tel que stipulé dans un arrangement de mise en œuvre, une observation continue, des inspections programmées, des inventaires et examens physiques par des représentants du gouvernement des États-Unis d'Amérique, et fournir les informations nécessaires à ces représentants concernant l'utilisation des prestations de défense susmentionnées par le gouvernement de la République française ; et
- E. Le Gouvernement des États-Unis d'Amérique peut également, de façon ponctuelle, conditionner la fourniture de prestations à titre gracieux en vertu d'un autre texte, à l'application des termes et conditions de la présente note diplomatique.

Si les propositions qui précèdent obtiennent l'agrément du gouvernement de la République française, l'Ambassade propose que cette note, accompagnée d'une note du ministère de l'Europe et des Affaires étrangères à cet effet, constituent un accord entre les deux gouvernements, celui-ci entrant en vigueur à la date de la note de réponse du ministère. »

Le ministère de l'Europe et des Affaires étrangères du gouvernement de la République française a l'honneur de confirmer que les propositions établies dans la note de l'ambassade sont acceptables pour le gouvernement de la République française et que la note de l'Ambassade, accompagnée de cette note de réponse, constituent un accord entre les deux gouvernements et entrent en vigueur à partir de la date d'aujourd'hui.

Ministère de l'Europe et des Affaires étrangères

Paris, le 30 septembre 2019

M. Le Drian



Annexe : traduction de courtoisie en anglais de la présente note.

Pièce jointe : copie de la note n°2019-331.



Translation

[FRENCH REPUBLIC]

MINISTRY FOR EUROPE AND
FOREIGN AFFAIRS

No. [Blank]

The Ministry for Europe and Foreign Affairs presents its compliments to the Embassy of the United States of America and acknowledges receipt of Note No. 2019-331 of September 30, 2019, which reads as follows:

Quote:

The Embassy of the United States of America presents its compliments to the Ministry for Europe and Foreign Affairs and has the honor to refer to earlier discussions between representatives of the two Governments regarding grant assistance from the United States of America to the Government of the French Republic under their respective legislation.

As a result of these discussions, the Embassy proposes that the Government of the United States of America and the Government of the French Republic agree that:

- A. The scope of this assistance shall be restricted to the support furnished on a grant basis by the United States of America to the Government of the French Republic for purposes of French operations against armed terrorist groups in Africa and applies to defense services, including aerial refueling, inter-theater fixed-wing strategic airlift, and intra-theater fixed-wing tactical airlift.

B. Unless the Government of the French Republic has first obtained a written authorization from the Government of the United States of America, the Government of the French republic shall not :

- (I) Authorize use of such granted defense services by anyone not an officer, employee, or agent of the Government of the French Republic;
- (II) Transfer, or permit an officer, employee, or agent of the Government of the French Republic to transfer the granted defense services by gift, sale, or otherwise, or
- (III) Use, or permit the use of, the granted defense services for purposes other than those for which they are furnished as indicated in Annex A.

C. The granted 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 arrangement;

D. The Government of the French Republic shall maintain the security of such granted defense services; it shall provide a level of security protection similar to that afforded to such defense services by the Government of the United States of America; and it shall, as the Government of the United States of America may require, through prior coordination with the French military authorities as set forth in an Implementing Arrangement, permit continuous observation, scheduled inspections, physical inventories, and review by representatives of the United States of America, and furnish necessary information to these representatives with regard to the use of the above-mentioned defense services by the Government of the French Republic; and

E. The Government of the United States of America may also, from time to time, make the provision of granted services furnished under other authority conditional upon application of the terms and conditions of this diplomatic note.

MINISTRY FOR EUROPE AND
FOREIGN AFFAIRS

If the foregoing proposals are acceptable to the Government of the French Republic, the Embassy proposes that this note, together with a note from the Ministry for Europe and 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 in reply.

Unquote.

The Ministry for Europe and Foreign Affairs of the Government of the French Republic has the honor to confirm that the proposals established in the Embassy's note are acceptable to the Government of the French Republic and that the Embassy's note, together with this note in reply, shall constitute an agreement between the two Governments and enter into force as of today's date.

Ministry for Europe and Foreign Affairs

Paris, September 30, 2019

[Signature]

[Ministry stamp]

Attachment: Courtesy translation of this note
Enclosure: Copy of note No. 2019-331