

No. 1803

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**UNITED STATES OF AMERICA  
and  
EL SALVADOR**

**Exchange of notes constituting an agreement amending  
the Agreement of 30 January and 13 February 1942  
relating to the construction of the Inter-American  
Highway. Washington, 19 February and 19 March 1951**

*Official text: English.*

*Registered by the United States of America on 8 July 1952.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
SALVADOR**

**Échange de notes constituant un accord modifiant l'Accord  
des 30 janvier et 13 février 1942 relatif à la construction  
de la route interaméricaine. Washington, 19 février et  
19 mars 1951**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 8 juillet 1952.*

No. 1803. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND EL SALVADOR AMENDING THE AGREEMENT OF 30 JANUARY AND 13 FEBRUARY 1942<sup>2</sup> RELATING TO THE CONSTRUCTION OF THE INTER-AMERICAN HIGHWAY. WASHINGTON, 19 FEBRUARY AND 19 MARCH 1951

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I

*The Salvadoran Chargé d'Affaires ad interim to the Secretary of State*

EMBAJADA DE EL SALVADOR  
WASHINGTON

February 19, 1951

Excellency :

I have the honor to refer to the agreement between our two Governments effected by an exchange of notes on January 30 and February 13, 1942,<sup>2</sup> with respect to United States Public Law 375, 55 Stat. 860, approved December 26, 1941, which provides for the cooperation of the United States with the Central American Republics in the construction of the Inter-American Highway. Reference also is made to Public Law 769, approved September 7, 1950,<sup>3</sup> amendatory of Public Law 375, which contains certain additional provisions with respect to the future cooperative construction of this Highway.

In this connection, and with the specific authorization of my Government, I hereby make formal request for the participation of El Salvador in the proposed continued cooperation in said construction.

I am also authorized to offer the assurances required by Section 11 of Public Law 769, approved September 7, 1950, that the Government of El Salvador assents to the provisions thereof and that it has an organization adequately qualified to administer the functions required of El Salvador under the provisions of the law. My Government further agrees, as specified in the law, that requests submitted by it, from time to time, for United States funds from appropriations authorized by law will be for the construction of portions of the Highway to standards adequate to meet present and future traffic needs.

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<sup>1</sup> Came into force on 19 March 1951 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 23, p. 293.

<sup>3</sup> United States of America : 64 Stat. 785.

Unless otherwise determined by the Secretary of State with reference to specific projects in El Salvador relating to separate portions of the Highway, it is understood that, in conformity with the law, expenditures of United States funds shall not be made on any project unless El Salvador shall provide and make available for expenditure in connection therewith a sum equal to at least one-third of the total expenditures made by our two Governments.

The Government of El Salvador recognizes the requirements of the law, that on said projects for portions of the Highway, all expenditures for material, equipment and supplies shall, whenever practicable, be made for products of the United States or of El Salvador; and construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works of El Salvador, and contracts shall be awarded pursuant to said advertisements with the approval of the Secretary of Commerce of the United States.

Furthermore, as agreed in recent conversations between representatives of the Embassy of El Salvador in the United States and officers of the Department of State, the Government of El Salvador desires to inform Your Excellency's Government that it specifically agrees, in conformity with the law and with the Embassy's note to the Department of State dated April 26, 1950, No. DE-73-A-815.4 :<sup>1</sup>

(1) That it will provide, without participation of funds of the United States, all necessary right-of-way for the construction of the Inter-American Highway in El Salvador which right-of-way shall be of a minimum width where practicable of 100 meters in rural areas and 50 meters in municipalities, and that such right-of-way shall forever be held inviolate as a part of the highway for public use;

(2) that it will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said Highway constructed under the provisions of the above-mentioned law approved December 26, 1941, as amended;

(3) that it will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said Highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of El Salvador; and that it will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said Highway by vehicles of the United States Government;

(4) that it will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for

<sup>1</sup> Not printed by the Department of State of the United States of America.

Regulation of Inter-American Automotive Traffic which was opened for signature at the Pan American Union in Washington on December 15, 1943,<sup>1</sup> and to which El Salvador and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) that it will maintain the presently completed portion of said Highway and each section of the uncompleted portion thereof as each such section is completed, all in condition adequately to serve the needs of present and future traffic; and that, so far as may be practicable, it will provide maintenance on all partially completed sections of said Highway which are now or hereafter may be opened to traffic.

My Government further agrees that, in recognition of the Inter-American Highway being a project of unusual significance of an economic and cultural character to El Salvador, and a public work of national importance in the collective public interest of El Salvador, it will be considered as one to which existing provisions of the national labor laws of El Salvador, relating to waivers and the exercise of executive discretion, will apply in favor of the cooperative project.

In accepting the provisions of Public Law 769, approved September 7, 1950, as amendatory of Public Law 375, approved December 26, 1941, and in agreeing to the stipulations outlined above, my Government suggests that the present exchange of notes constitutes an amendment to the original agreement between our two Governments contained in the exchange of notes dated January 30 and February 13, 1942. It is further suggested that the notes hereby exchanged shall be regarded as a formal amendment to the Project Statement and Memorandum of Understanding effective April 7, 1942, as amended, between the Government of El Salvador and the Commissioner of Public Roads of the United States;<sup>2</sup> and that any further amendment shall not be limited to the subject matter of this exchange of notes but may include such other matters of a technical character as will facilitate the proposed cooperation.

Accept, Excellency, the renewed assurances of my highest consideration.

DE-27  
A-815.4

Carlos A. SIRI  
Chargé d'Affaires a.i. of El Salvador

His Excellency Dean Acheson  
Secretary of State  
Washington, D.C.

<sup>1</sup> United States of America: *Treaties and Other International Acts Series 1567*; 61 Stat., pt. 2, p. 1129.

<sup>2</sup> Not printed by the Department of State of the United States of America.

## II

*The Secretary of State to the Salvadoran Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

Mar. 19 1951

Excellency :

I have the honor to acknowledge the receipt of your Embassy's note No. DE-27-A-815.4 of February 19, 1951, which requests the continued co-operation of the Government of the United States in the construction of the Inter-American Highway in El Salvador in accordance with the terms and conditions of United States Public Law 769, approved September 7, 1950, as amendatory of Public Law 375, approved December 26, 1941.

I take pleasure in informing Your Excellency that the assurances offered are satisfactory to the Government of the United States. It is consequently the intention of this Government to extend to the Salvadoran Government the cooperation envisaged in the law and set forth by this exchange of notes, subject to the appropriation of necessary funds by the Congress of the United States.

As suggested by your Government, it is agreed that the current exchange of notes shall be regarded as a formal amendment to the Project Statement and Memorandum of Understanding effective April 7, 1942, as amended, between the Government of El Salvador and the Commissioner of Public Roads of the United States; and that any further amendment shall not be limited to the subject matter of this exchange of notes, but may include such other matters of a technical character as will facilitate the proposed cooperation. It is further agreed that the current exchange of notes constitutes an amendment to the original agreement between our two Governments contained in the exchange of notes dated January 30 and February 13, 1942.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :  
Edward G. MILLER, Jr.

His Excellency Señor Dr. Don Hector David Castro  
Ambassador of El Salvador