

No. 2397

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**UNITED STATES OF AMERICA**  
**and**  
**FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes constituting an agreement relating to  
mutual security. Bonn, 19 and 28 December 1951**

*D. independent*

*Official texts: English and German.*

*Registered by the United States of America on 28 November 1953*

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**ÉTATS-UNIS D'AMÉRIQUE**  
**et**  
**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes constituant un accord relatif à la sécurité  
mutuelle. Bonn, 19 et 28 décembre 1951**

*Textes officiels anglais et allemand.*

*Enregistré par les États-Unis d'Amérique le 28 novembre 1953.*

No. 2397. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO MUTUAL SECURITY. BONN, 19 AND 28 DECEMBER 1951

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I

*The United States High Commissioner for Germany to the Chancellor of  
the Federal Republic of Germany*

December 19, 1951

His Excellency the Chancellor  
of the Federal Republic of Germany  
Palais Schaumburg  
141 Koblenzer Strasse  
Bonn

Excellency :

I have the honor to refer to conversations which have recently taken place between representatives of our two governments relating to the Economic Cooperation Agreement between the United States of America and the Federal Republic of Germany, signed at Bonn, December 15, 1949, as heretofore amended,<sup>2</sup> and to the enactment by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82nd Congress.<sup>3</sup> I also have the honor to confirm the understandings reached as a result of these conversations, as follows :

1. The Government of the Federal Republic of Germany has expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948 as heretofore amended,<sup>4</sup> including the statement of purpose contained in Section 2 of the Mutual Security Act of 1951, and reaffirms that, along with the Government of the United States of America, it is firmly committed to join in promoting international understanding and good will and in maintaining world peace and to take such action as may be mutually agreed upon to eliminate causes of international tension. Whenever reference is made in any of the articles of such Economic Cooperation Agreement to the Economic Cooperation Act of 1948, such reference shall be construed as meaning the Economic Cooperation Act of 1948 as heretofore amended.

2. Sums allocated to the use of the Government of the United States of America pursuant to paragraph 4 of Article IV of the Economic Cooperation Agreement may be used by the Government of the United States of America for its expenditures in any area.

3. Paragraph 6 of Article IV of the Economic Cooperation Agreement shall include expenditures for the encouragement of emigration from participating countries having

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<sup>1</sup> Came into force on 28 December 1951 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 92, p. 269, and Vol. 141, p. 390.

<sup>3</sup> United States of America : 65 Stat. 373.

<sup>4</sup> United States of America : 62 Stat. 137 ; 22 U. S. C. § 1501 *et seq.*

permanent surplus manpower to areas, particularly the undeveloped and dependent areas, where such manpower can be effectively utilized.

4. In lieu of the date referred to in paragraph 7 of Article IV of the Economic Cooperation Agreement, the amount of unencumbered balances referred to in that paragraph shall be determined as of the date of the termination of the assistance program under this agreement.

5. The two governments will establish procedures whereby the Government of the Federal Republic of Germany will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when the Government of the Federal Republic is advised by the Government of the United States that any such legal process would interfere with the attainment of the objectives of the program of assistance.

6. The provisions of paragraph 3, Article I, shall not apply with respect to the assistance authorized after July 1, 1951, under this agreement. The terms and conditions applicable to such assistance shall be the subject of separate determination and the provisions of Article IV shall apply only with respect to such assistance as may be furnished on a grant basis.

Upon receipt of a note from your Government indicating that the foregoing provisions are acceptable to the Federal Republic, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two governments on this subject which shall enter into force on the date of your note in reply.

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

John J. McCLOY  
ECA Special Representative

## II

*The Chancellor of the Federal Republic of Germany to the United States  
High Commissioner for Germany*

[GERMAN TEXT — TEXTE ALLEMAND]

BUNDESREPUBLIK DEUTSCHLAND  
DER BUNDESKANZLER

318-07 II/15351/51

Bonn 28. Dezember 1951

Seiner Exzellenz

dem Hohen Kommissar der

Vereinigten Staaten von Amerika

Herrn John J. McCloy

Bonn-Petersberg

Herr Hoher Kommissar,

In Ihrem Schreiben vom 19. Dezember 1951 nehmen Sie Bezug auf Besprechungen, die vor kurzem zwischen unseren beiden Regierungen betreffend das

Ich beehre mich, Euerer Exzellenz hiermit den Empfang dieses Schreibens zu bestätigen und mitzuteilen, dass ich dem Inhalt Ihres Schreibens zustimme.

Die Bundesregierung wird beschleunigt diejenigen parlamentarischen Massnahmen herbeiführen, die sich für die Durchführung der vorstehenden Bestimmungen als erforderlich erweisen könnten.

Genehmigen Sie, Herr Hoher Kommissar, den Ausdruck meiner ausgezeichnetsten Hochachtung.

ADENAUER

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

FEDERAL REPUBLIC OF GERMANY  
THE FEDERAL CHANCELLOR

Bonn, December 28, 1951

318-07 II/15351/51

His Excellency  
the High Commissioner of the  
United States of America

John J. McCloy  
Bonn-Petersberg

Mr. High Commissioner,

In your letter of December 19, 1951, you refer to conversations which recently took place between our two governments relating to the Economic Cooperation Agreement between the Federal Republic of Germany and the United States of America, signed on December 15, 1949, in the form then in effect, and to the enactment by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82d Congress. In your letter you also informed me of the understandings reached in these conversations as follows :

[See note I]

I have the honor herewith to acknowledge to Your Excellency the receipt of this letter and to inform you that I am in agreement with the contents of your letter.

The Federal Government will take prompt action to put through the Parliamentary measures which may be necessary to carry out the foregoing provisions.

Accept, Mr. High Commissioner, the assurances of my highest consideration.

ADENAUER

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.