

No. 21014

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**UNITED STATES OF AMERICA  
and  
PHILIPPINES**

**Exchange of notes constituting an agreement relating to  
military assistance in defence articles and services.  
Manila, 12 and 22 August 1980**

*Authentic text: English.*

*Registered by the United States of America on 15 April 1982.*

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

**Échange de notes constituant un accord relatif à une aide  
militaire en ce qui concerne le matériel et les services de  
défense. Manille, 12 et 22 août 1980**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 15 avril 1982.*

# EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES RELATING TO MILITARY ASSISTANCE IN DEFENSE ARTICLES AND SERVICES

## I

*The American Chargé d'Affaires ad interim*  
to the Philippine Minister of Foreign Affairs

No. 486

Manila, August 12, 1980

Excellency:

I have the honor to refer to the recent discussions between representatives of our two governments concerning the United States Military Assistance Program with the Republic of the Philippines during the United States fiscal year 1980, and the effect of United States laws applicable to the funding of such programs by the United States. I have the further honor to confirm on behalf of my Government, the following understandings reached as a consequence of the aforesaid discussions:

1. Subject to the terms and conditions set forth in the Mutual Defense Assistance Agreement of June 26, 1953<sup>2</sup> and as provided herein, the United States shall grant to the Government of the Republic of the Philippines defense articles and defense services of a value not to exceed \$25 million during the United States fiscal year 1980. The value of such defense articles and defense services shall be calculated by the United States in accordance with the provisions of applicable United States laws and regulations, including the Foreign Assistance Act of 1961, as from time to time amended, and applicable appropriations legislation.

2. The defense articles and defense services to be furnished pursuant to this Agreement shall be furnished in accordance with, and subject to, the United States laws referred to in paragraph 1, and such successor legislation as may be hereafter enacted. Deliveries of such defense articles, and the performance of such defense services, may be suspended or terminated by the United States under unusual or compelling circumstances when the national interest of the United States so requires.

3. Selection of particular defense articles or defense services (hereafter in this Paragraph referred to collectively as "items") to be furnished pursuant to this Agreement shall be made from time to time by the United States Department of Defense, taking into consideration the requests, if any, of the Ministry of National Defense of the Government of the Republic of the Philippines for particular items. The United States Department of Defense may cancel the furnishing of any item, or quantity thereof, at any time in order to recoup funds sufficient to pay any net increase in costs to the United States of the aggregate of selected items within the dollar value specified in Paragraph I. In effecting such recoupments, the United States Department of Defense will take into consideration the views, if any, of the Ministry of National Defense of the Government of the Republic of the Philippines as to which items or quantities thereof should be cancelled.

<sup>1</sup> Came into force on 22 August 1980, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 213, p. 77.

4. In accordance with the requirements of the Foreign Assistance Act of 1961, as amended—

- A) Title to defense articles to be furnished to the Government of the Republic of the Philippines pursuant to this Agreement must be transferred to the Government of the Republic of the Philippines on or before September 30, 1983 and defense services to be performed pursuant to this Agreement must be performed not later than September 30, 1983;
- B) Defense articles to which the United States obtains or retains title after September 30, 1983, will not be furnished pursuant to this Agreement, and defense services not performed on or before September 30, 1983 will not be performed pursuant to this Agreement. The obligations of the United States with respect to the furnishing of such articles and services pursuant to this Agreement shall cease as of October 1, 1983, and
- C) Delivery of defense articles furnished pursuant to this Agreement to the Government of the Republic of the Philippines must commence on or before September 30, 1983, if such delivery is to be financed from United States military assistance funds. Delivery of such articles after that date shall be at the expense of the Government of the Republic of the Philippines.

I have the honor to propose that this note, together with your Excellency's Note confirming the acceptance of the Government of the Philippines of the foregoing understandings, shall constitute an agreement between our two governments with respect to the United States fiscal year 1980, effective from the date of your Excellency's Note in reply.

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

[Signed]

JAMES D. ROSENTHAL  
Chargé d'Affaires *a.i.*

His Excellency Carlos P. Romulo  
Minister of Foreign Affairs  
of the Republic of the Philippines

## II

*The Philippine Acting Minister for Foreign Affairs  
to the American Chargé d'Affaires ad interim*

REPUBLIKA NG PILIPINAS  
MINISTRI NG UGNAYANG PANLABAS  
MAYNILA\*

22 August 1980

Sir:

I have the honor to refer to your note No. 486 dated 12 August 1980 referring to recent discussions between representatives of our two Governments concerning the United States Military Assistance Program with the Republic of the Philippines

\* "Republic of Philippines, Ministry of Foreign Affairs, Manila".

during the United States fiscal year 1980, and the effect of United States laws applicable to the funding of the programs by the United States, and confirming certain understandings enumerated in the note which were reached as a consequence of said discussions.

In accordance with your proposal, the Philippine Government hereby confirms its acceptance of the aforementioned understandings. Accordingly, your note and this reply shall constitute an agreement between the Philippines and the United States with respect to the United States fiscal year 1980, effective from the date of this reply.

Accept, Sir, the renewed assurances of my high consideration.

[Signed]

MANUEL COLLANTES  
Acting Minister for Foreign Affairs

The Honorable James D. Rosenthal  
Chargé d'Affaires *a.i.*  
Embassy of the United States of America  
Manila

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