

No. 21017

**UNITED STATES OF AMERICA
and
PORTUGAL**

**Exchange of notes constituting an agreement relating to
military assistance in defence articles and services.
Lisbon, 12 and 28 August 1980**

Authentic texts: English and Portuguese.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
PORTUGAL**

**Échange de notes constituant un accord relatif à l'assistance
militaire par fourniture de matériels et de services de
défense. Lisbonne, 12 et 28 août 1980**

Textes authentiques : anglais et portugais.

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

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND POR- TUGAL RELATING TO MILITARY ASSISTANCE IN DEFENSE ARTICLES AND SERVICES

I

EMBASSY OF THE UNITED STATES OF AMERICA

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 Portugal 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 January 5, 1951,² and as provided herein, the United States shall grant to the Government of Portugal defense articles and defense services of a value not to exceed \$30 million dollars 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 Defense of the Government of Portugal 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 increases in costs to the United States of the aggregate of selected items within the dollar value specified in paragraph 1. In effecting such recoupments, the United States Department of Defense will take into consideration the views, if any, of the Ministry of Defense of the Government of Portugal as to which items or quantities thereof should be cancelled.

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

¹ Came into force on 28 August 1980, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 133, p. 75.

- (A) Title to defense articles to be furnished to the Government of Portugal pursuant to this agreement must be transferred to the Government of Portugal 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 Portugal 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 Portugal.

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

Accept, Excellency, the assurances of my highest consideration.

EDWARD M. ROWELL
Chargé d'affaires a.i.

His Excellency Prof. Dr. Diogo Freitas do Amaral
Minister of Foreign Affairs
Lisbon

II

[PORTUGUESE TEXT —
TEXTE PORTUGAIS]

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
OFFICE OF THE MINISTER

Lisboa, 28 de agosto de 1980

Lisbon, August 28, 1980

Senhor Encarregado de Negócios,

Sir:

Tenho a honra de acusar a recepção da nota da Embaixada, datada de 12 de agosto de 1980, referente ao Programa de Assistência Militar dos Estados Unidos a Portugal durante o ano fiscal de 1980.

I have the honor to acknowledge receipt of the note from the Embassy, dated August 12, 1980, referring to the United States Military Assistance Program with Portugal during the fiscal year 1980.

¹ Translation supplied by the Government of the United States.

² Traduction fournie par le Gouvernement des Etats-Unis.

Desejo informar V. Exa. que o Governo português dá o seu acordo às propostas do Governo dos Estados Unidos constantes da nota acima referida.

Queira aceitar, Senhor Encarregado de Negócios, os protestos da minha elevada consideração.

[Signed — Signé]

DIOGO FREITAS DO AMARAL
Ministro dos Negócios Estrangeiros

Exmo. Senhor Edward M. Rowell
Encarregado de Negócios a.i. dos Estados Unidos de América

I wish to inform Your Excellency that the Portuguese Government is in agreement with the proposals of the Government of the United States set forth in the above-mentioned note.

Accept, Sir, the assurances of my high consideration.

[Signed]

DIOGO FREITAS DO AMARAL
Minister of Foreign Affairs

Mr. Edward M. Rowell
Chargé d'affaires *ad interim* of the United States of America
