

DEFENSE

Assistance

Agreement Between the UNITED STATES OF AMERICA and SAMOA

Effected by exchange of notes at Apia
December 10, 2021 and January 14, 2022

Entered into force January 14, 2022



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.”



109/21

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Trade of the Government of the Independent State of Samoa and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961, as amended, or successor legislation; the Arms Export Control Act, as amended; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the United States of America to the Independent State of Samoa under such authorities. In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Government of the Independent State of Samoa concerning the provision of training related to defense articles under the United States International Military Education and Training (IMET) program, effected by exchange of notes at Apia on December 1, 1992 and March 8, 1993 (the "1993 Agreement").

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Independent State of Samoa agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Independent State of Samoa shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee, or agent of the Government of the Independent State of Samoa;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Independent State of Samoa to transfer such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished.

B. That such defense articles, related training, including training materials, or other 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;

C. That the net proceeds of sale received by the Government of the Independent State of Samoa in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Independent State of Samoa shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, and other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories and review by, 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 Independent State of Samoa; and

E. That the Government of the United States of America may also by diplomatic note, from time to time, make the provision of defense articles, related training, and other defense services furnished under a grant basis, under any other authority subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposal is acceptable to the Government of the Independent State of Samoa, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs and Trade 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 and shall supersede in its entirety the aforementioned 1993 Agreement.

The Embassy of the United States of America avails itself of this opportunity to renew the Ministry of Foreign Affairs and Trade of the Government of the Independent State of Samoa the assurances of its highest consideration.

Embassy of the United States of America
Apia
December 10, 2021





GOVERNMENT OF THE INDEPENDENT STATE OF SAMOA
Ministry of Foreign Affairs and Trade

Note No. 22/10

The Ministry of Foreign Affairs and Trade of the Independent State of Samoa presents its compliments to the Embassy of the United States of America and acknowledges receipt of the Embassy's *Note No. 109/21* dated December 10, 2021 which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Trade of the Government of the Independent State of Samoa and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961, as amended, or successor legislation; the Arms Export Control Act, as amended; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the United States of America to the Independent State of Samoa under such authorities. In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Government of the Independent State of Samoa concerning the provision of training related to defense articles under the United States International Military Education and Training (IMET) program, effected by exchange of notes at Apia on December 1, 1992 and March 8, 1993 (the "1993 Agreement").

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Independent State of Samoa agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Independent State of Samoa shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone

not an officer, employee, or agent of the Government of the Independent State of Samoa;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Independent State of Samoa to transfer such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished.

B. That such defense articles, related training, including training materials, or other 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;

C. That the net proceeds of sale received by the Government of the Independent State of Samoa in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Independent State of Samoa shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, and other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories and review by, 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 Independent State of Samoa; and

E. That the Government of the United States of America may also by diplomatic note, from time to time, make the provision of defense articles, related training, and other defense services furnished under a grant basis, under any other authority subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposal is acceptable to the Government of the Independent State of Samoa, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs and Trade 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 and shall supersede in its entirety the aforementioned 1993 Agreement."

The Ministry of Foreign Affairs and Trade of the Government of the Independent State of Samoa has the honor to confirm that the proposal set forth in the Embassy's note is acceptable to the Government of the Independent State of Samoa and that the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date and shall supersede in its entirety the aforementioned 1993 Agreement.

The Ministry of Foreign Affairs and Trade of the Government of the Independent State of Samoa avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Apia, 14 January 2022

Embassy of the United States of America
APIA

