



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

AUG 17 2002

(172)

The Honorable Carl M. Levin  
Chairman  
Committee on Armed Services  
U.S. Senate  
Washington, D.C. 20510-6050

Dear Mr. Chairman:

Pursuant to the authority granted to me by Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (NDAA of FY 1998), Public Law 105-85, I intend to direct that the Department of Defense provide certain types of support to the Government of Colombia to aid in its counterdrug activities. The support will consist primarily of riverine patrol boats and assistance in the maintenance and repair of equipment used by the Government of Colombia in counterdrug operations. It will also include items of non-lethal protective and utility personnel equipment, non-lethal specialized equipment, and other parts, attachments and items as specified in subsection 1033(c) of the NDAA of FY 1998.

As required by subsection 1033(f)(1) and subsection 1033(g) of the NDAA of FY98, I certify that:

a. The provision of this support will not adversely affect the military preparedness of the United States Armed Forces.

b. The equipment and materiel provided by the United States to support Colombia's counterdrug effort will be used only by the officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations.

c. The Government of Colombia has certified that:

- 1) The equipment and materiel provided as support will be used only by officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations;

Colombia

17Aug02



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2) None of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the U.S. to receive it; and

3) The equipment and materiel will be used only for the purposes intended by the United States Government.

d. The Government of Colombia has implemented a satisfactory system that will provide an accounting and inventory of the equipment and materiel provided as support.

e. The departments and agencies of the Government of Colombia will grant U.S. Government personnel access to the equipment and materiel we provide and to records pertaining thereto, as required.

f. The Government of Colombia has agreed to provide security for the equipment and materiel that is substantially the same as provided by the U.S. Government for similar equipment and materiel.

g. The Government of Colombia has agreed, when requested, to permit U.S. Government personnel continuous observation and review of use of equipment and materiel.

The Government of Colombia has certified to the foregoing through a diplomatic note from the Colombian Ministry of Foreign Relations dated July 11, 2002.

Sincerely,

A handwritten signature in black ink, appearing to be "Z. R. Am", written in a cursive style.

cc:  
Ranking Minority Member

U13600-02



**SECRETARY OF DEFENSE**  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

**AUG 17 2002**

**The Honorable Joseph R. Biden  
Chairman  
Committee on Foreign Relations  
U.S. Senate  
Washington, D.C. 20510-6225**

**Dear Mr. Chairman:**

**Pursuant to the authority granted to me by Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (NDAA of FY 1998), Public Law 105-85, I intend to direct that the Department of Defense provide certain types of support to the Government of Colombia to aid in its counterdrug activities. The support will consist primarily of riverine patrol boats and assistance in the maintenance and repair of equipment used by the Government of Colombia in counterdrug operations. It will also include items of non-lethal protective and utility personnel equipment, non-lethal specialized equipment, and other parts, attachments and items as specified in subsection 1033(c) of the NDAA of FY 1998.**

**As required by subsection 1033(f)(1) and subsection 1033(g) of the NDAA of FY98, I certify that:**

**a. The provision of this support will not adversely affect the military preparedness of the United States Armed Forces.**

**b. The equipment and materiel provided by the United States to support Colombia's counterdrug effort will be used only by the officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations.**

**c. The Government of Colombia has certified that:**

- 1) The equipment and materiel provided as support will be used only by officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations;**



**U13600-02**

2) None of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the U.S. to receive it; and

3) The equipment and materiel will be used only for the purposes intended by the United States Government.

d. The Government of Colombia has implemented a satisfactory system that will provide an accounting and inventory of the equipment and materiel provided as support.

e. The departments and agencies of the Government of Colombia will grant U.S. Government personnel access to the equipment and materiel we provide and to records pertaining thereto, as required.

f. The Government of Colombia has agreed to provide security for the equipment and materiel that is substantially the same as provided by the U.S. Government for similar equipment and materiel.

g. The Government of Colombia has agreed, when requested, to permit U.S. Government personnel continuous observation and review of use of equipment and materiel.

The Government of Colombia has certified to the foregoing through a diplomatic note from the Colombian Ministry of Foreign Relations dated July 11, 2002.

Sincerely,



cc:  
Ranking Minority Member

U13600-02



**SECRETARY OF DEFENSE**  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

AUG 17 2002

The Honorable Robert L. Stump  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515-6035

Dear Mr. Chairman:

Pursuant to the authority granted to me by Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (NDAA of FY 1998), Public Law 105-85, I intend to direct that the Department of Defense provide certain types of support to the Government of Colombia to aid in its counterdrug activities. The support will consist primarily of riverine patrol boats and assistance in the maintenance and repair of equipment used by the Government of Colombia in counterdrug operations. It will also include items of non-lethal protective and utility personnel equipment, non-lethal specialized equipment, and other parts, attachments and items as specified in subsection 1033(c) of the NDAA of FY 1998.

As required by subsection 1033(f)(1) and subsection 1033(g) of the NDAA of FY98, I certify that:

- a. The provision of this support will not adversely affect the military preparedness of the United States Armed Forces.
- b. The equipment and materiel provided by the United States to support Colombia's counterdrug effort will be used only by the officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations.
- c. The Government of Colombia has certified that:
  - 1) The equipment and materiel provided as support will be used only by officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations;



U13600-02

2) None of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the U.S. to receive it; and

3) The equipment and materiel will be used only for the purposes intended by the United States Government.

d. The Government of Colombia has implemented a satisfactory system that will provide an accounting and inventory of the equipment and materiel provided as support.

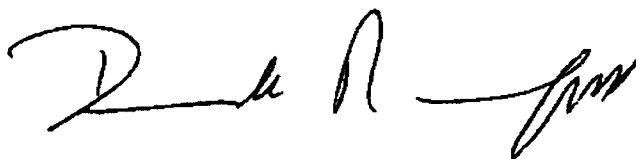
e. The departments and agencies of the Government of Colombia will grant U.S. Government personnel access to the equipment and materiel we provide and to records pertaining thereto, as required.

f. The Government of Colombia has agreed to provide security for the equipment and materiel that is substantially the same as provided by the U.S. Government for similar equipment and materiel.

g. The Government of Colombia has agreed, when requested, to permit U.S. Government personnel continuous observation and review of use of equipment and materiel.

The Government of Colombia has certified to the foregoing through a diplomatic note from the Colombian Ministry of Foreign Relations dated July 11, 2002.

Sincerely,

A handwritten signature in dark ink, appearing to be "D. R. [unclear]", written in a cursive style.

cc:  
Ranking Minority Member

U13600-02



**SECRETARY OF DEFENSE**  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

AUG 17 2002

The Honorable Henry J. Hyde  
Chairman  
Committee on International Relations  
U.S. House of Representatives  
Washington, D.C. 20515-6128

Dear Mr. Chairman:

Pursuant to the authority granted to me by Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (NDAA of FY 1998), Public Law 105-85, I intend to direct that the Department of Defense provide certain types of support to the Government of Colombia to aid in its counterdrug activities. The support will consist primarily of riverine patrol boats and assistance in the maintenance and repair of equipment used by the Government of Colombia in counterdrug operations. It will also include items of non-lethal protective and utility personnel equipment, non-lethal specialized equipment, and other parts, attachments and items as specified in subsection 1033(c) of the NDAA of FY 1998.

As required by subsection 1033(f)(1) and subsection 1033(g) of the NDAA of FY98, I certify that:

a. The provision of this support will not adversely affect the military preparedness of the United States Armed Forces.

b. The equipment and materiel provided by the United States to support Colombia's counterdrug effort will be used only by the officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations.

c. The Government of Colombia has certified that:

- 1) The equipment and materiel provided as support will be used only by officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations;

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- 2) None of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the U.S. to receive it; and
- 3) The equipment and materiel will be used only for the purposes intended by the United States Government.

d. The Government of Colombia has implemented a satisfactory system that will provide an accounting and inventory of the equipment and materiel provided as support.

e. The departments and agencies of the Government of Colombia will grant U.S. Government personnel access to the equipment and materiel we provide and to records pertaining thereto, as required.

f. The Government of Colombia has agreed to provide security for the equipment and materiel that is substantially the same as provided by the U.S. Government for similar equipment and materiel.

g. The Government of Colombia has agreed, when requested, to permit U.S. Government personnel continuous observation and review of use of equipment and materiel.

The Government of Colombia has certified to the foregoing through a diplomatic note from the Colombian Ministry of Foreign Relations dated July 11, 2002.

Sincerely,



cc:  
Ranking Minority Member

Henry - Is this still  
necessary?  
D.

U13600-02





SPECIAL OPERATIONS/  
LOW-INTENSITY CONFLICT

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-2500

ACTION MEMO

**SECDEF HAS SEEN**

AUG 17 2002

USD/P

I# 02/010318-CN

AUG 15 2002

FOR: SECRETARY OF DEFENSE

DepSec Action \_\_\_\_\_

FROM: Marshall Billingslea, Principal Deputy Assistant Secretary of Defense for  
Special Operations and Low Intensity Conflict

SUBJECT: Certification Regarding Counterdrug Support to the Government of  
Colombia

The attached letters to certain members of Congress certify that DoD counterdrug support to the Government of Colombia satisfies the statutory criteria of subsections 1033 (f) (1) and 1033 (g) of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105-85, (Tab B).

- These subsections require you to certify to Congress 15 days prior to the obligation of funds that the statutory requirements have been met.
- The statutory criteria have been satisfied (Tab C-E).

The attached Fiscal Year 2002 certification letters pertain to the fifth year of a program that enhanced Colombia's counternarcotics riverine capability.

Approximately \$8M is available for Colombia in FY 2002.

RECOMMENDATION: Sign letters at Tab A. \*

COORDINATION: Tab F. //

Attachments:

As stated

Prepared by:

(b)(6)

SOLIC, OGC,

(b)(6)

U13600-02  
02-06-02 10:02 IN

**SEC. 1033. National Defense Authorization Act for Fiscal Year 1998, AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA. as amended<sup>1</sup>**

(a) **Authority To Provide Support.**—Subject to subsection (f), the Secretary of Defense may provide either or both of the foreign governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. In providing support to a government under this section, the Secretary of Defense shall consult with the Secretary of State. The support provided under the authority of this section shall be in addition to support provided to the governments under any other provision of law.

(b) **Governments Eligible To Receive Support.**—The foreign governments eligible to receive counter-drug support under this section are as follows:

- (1) The Government of Peru, for fiscal years 1998 through 2002.
- (2) The Government of Colombia for fiscal years 1998 through 2006.

(c) **Types of Support.**—The authority under subsection (a) is limited to the provision of the following types of support to a government named in subsection (b):

- (1) The types of support specified in paragraphs (1), (2), and (3) of section 1031(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2637).<sup>2</sup>
- (2) The transfer of riverine patrol boats.
- (3) The maintenance and repair of equipment of the government that is used for counter-drug activities.

(d) **Applicability of Other Support Authorities.**—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) shall apply to the provision of support under this section.

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<sup>1</sup> Public Law No. 105-85, Nov. 18, 1997, *amended by* §1021, National Defense Authorization Act for Fiscal Year 2001, (Pub. L. No. 106-398)

<sup>2</sup> (1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

**(e) Fiscal Year 1998 Funding; Limitation on Obligations.--**

(1) Of the amount authorized to be appropriated under section 301(20) for drug interdiction and counter-drug activities, an amount not to exceed \$9,000,000 shall be available for the provision of support under this section.

(2) Amounts made available to carry out this section shall remain available until expended, except that the total amount obligated and expended under this section may not exceed \$20,000,000 during any of the fiscal years 1999 through 2006.

**(f) Condition on Provision of Support.--**

(1) The Secretary of Defense may not obligate or expend funds during a fiscal year to provide support under this section to a government named in subsection (b) until the end of the 15-day period beginning on the date on which the Secretary submits to the congressional committees the written certification described in subsection (g) for that fiscal year.

(2) In the case of the first fiscal year in which support is to be provided under this section to a government named in subsection (b), the obligation or expenditure of funds under this section to provide support to that government shall also be subject to the condition that--

(A) the Secretary submit to the congressional committees the riverine counter-drug plan described in subsection (h); and

(B) a period of 60 days expires after the date on which the report is submitted.

(3) In the case of subsequent fiscal years in which support is to be provided under this section to a government named in subsection (b), the obligation or expenditure of funds under this section to provide support to that government shall also be subject to the condition that the Secretary submit to the congressional committees any revision of the counter-drug plan described in subsection (h) applicable to that government.

(4) For purposes of this subsection, the term "congressional committees" means the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(g) Required Certification.--The written certification required by subsection (f)(1) for a fiscal year is a certification of the following with respect to each government to receive support under this section:

(1) That the provision of the support to the government will not adversely affect the military preparedness of the United States Armed Forces.

(2) That the equipment and materiel provided as support will be used only by officials and employees of the government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(3) That the government has certified to the Secretary of Defense that--

(A) the equipment and materiel provided as support will be used only by the officials and employees referred to in paragraph (2);

(B) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(C) the equipment and materiel will be used only for the purposes intended by the United States Government.

(4) That the government has implemented, to the satisfaction of the Secretary of Defense, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(5) That the departments, agencies, and instrumentalities of the government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(6) That the government will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(7) That the government will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(h) Riverine Counter-Drug Plan.--The Secretary of Defense, in consultation with the Secretary of State, shall prepare for fiscal year 1998 (and revise as necessary for subsequent fiscal years) a riverine counter-drug plan involving the governments named in subsection (b) to which support will be provided under this section. The plan for a fiscal year shall include the following with respect to each government to receive support under this section:

(1) A detailed security assessment, including a discussion of the threat posed by illicit drug traffickers in the foreign country.

(2) An evaluation of previous and ongoing riverine counter-drug operations by the government.

(3) An assessment of the monitoring of past and current assistance provided by the United States under this section to the government to ensure the appropriate use of such assistance.

(4) A description of the centralized management and coordination among Federal agencies involved in the development and implementation of the plan.

(5) A description of the roles and missions and coordination among agencies of the government involved in the development and implementation of the plan.

(6) A description of the resources to be contributed by the Department of Defense and the Department of State for the fiscal year or years covered by the plan and the manner in which such resources will be utilized under the plan.

(7) For the first fiscal year in which support is to be provided under this section, a schedule for establishing a riverine counter-drug program that can be sustained by the government within five years, and for subsequent fiscal years, a description of the progress made in establishing and carrying out the program.

(8) A reporting system to measure the effectiveness of the riverine counter-drug program.

(9) A detailed discussion of how the riverine counter-drug program supports the national drug control strategy of the United States.

**Satisfaction of Criteria in § 1033(g), of the National Defense Authorization  
Act for Fiscal Year 1998**

- a. Colombia requested counterdrug (CD) support, consisting primarily of riverine patrol boats, spare parts and repair and maintenance services for the equipment it has received from the U.S.
- b. The equipment or services will be procured independently from DoD. Providing support will not adversely affect military preparedness of U.S. Armed Forces (subsection (g)(1) of section 1033).
- c. DoD, through the U.S. Military Assistance Advisory Group, Bogota independently verified (Tab D) Colombian practices with respect to:
  1. Background checks (subsection (g)(2) of section 1033);
  2. The use of the equipment and materiel (subsection (g)(4) of section 1033);
  3. Granting U.S. Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel (subsection (g)(5) of section 1033);
  4. The system that accounts and inventories the equipment and materiel provided as support (subsection (g)(6) of section 1033); and
  5. routinely allowing observation and review by United States Government personnel of the use of the equipment and materiel provided as support (subsection (g)(7) of section 1033).
- d. In accordance with subsection (g)(3) of section 1033, by an exchange of notes dated July 11, 2002 and July 16, 2002 (Tab E), Colombia agreed to the following terms:
  1. The equipment and materiel provided as support will be used only by the officials and employees of the Government of Colombia who have undergone background investigations by the Government of Colombia, and who have been approved by the Government of Colombia to perform counterdrug activities on the basis of the background investigations ( subparagraph 2., July 11, 2002 note);
  2. None of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment and materiel ( subparagraph 1., July 16, 2002 note); and

3. The equipment and materiel will be used only for the purposes intended by the United States Government ( subparagraph 2., July 16, 2002 note).

e. Although not required, the Government of Colombia has guaranteed:

1. That it will grant U.S. Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505 (a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 23 14(a)(3)) ( subparagraph 3., July 11, 2002 note); and

2. The security of the equipment and materiel provided as support ( subparagraph 3., July 16, 2002 note).

f. Accordingly, the requirements of subsection (g) of section 1033 of the National Defense Authorization Act for fiscal year 1998 are satisfied.



**DEPARTMENT OF DEFENSE**  
**UNITED STATES MILITARY GROUP**  
**BOGOTA, COLOMBIA**

12 JUL 2002

SCCO-CO

MEMORANDUM FOR DOD Coordinator for Counter-Narcotics

Subj: COMPLIANCE CERTIFICATION

Ref: Section 1033, National Defense Authorization Act for Fiscal Year 1998

1. The Colombian National Defense Ministry conducts a background check on all military officers and career servicemen (NCOs). This routine background check is repeated before any military personnel attend U.S.-sponsored training either in the U.S. or in Colombia.
2. The USMILGP provides names of personnel who will attend training to the U.S. embassy Political/Economics Section and the U.S. Defense Attaché Office. These offices conduct record checks for adverse information concerning these individuals. Personnel not surviving the screening process are denied training and subsequent access to material provided under the reference. This screening is conducted in accordance with both the U.S.-Colombian End Use Monitoring (EUM) Agreement signed in August 1997 and the Leahy Law.
3. USMILGP representatives, in performance of security assistance duties and support of counterdrug activities, routinely visit the facilities that the Government of Colombia uses as logistics and operations bases for its riverine forces. During these visits, USMILGP personnel have independently verified both the existence of effective host nation material/equipment tracking and accountability procedures, and the adequacy of host nation base infrastructure to ensure that equipment/material is safeguarded and retained under strict military control. Accordingly, the Colombian Navy and Marine Corps personnel, stationed at or operating from these bases, are considered capable of accounting for and safeguarding equipment and material the U.S. Government provides under the reference.
4. The riverine program of the Colombian Navy and Marine Corps is mature and professionally structured, having been established in 1970. Since 1988, the Colombian Navy and Marine Corps have been provided equipment and material under various FMS and 506 drawdown, and section 1033 authorizations. Usage and custody of this equipment have been verified to be in compliance with applicable agreements.

(b)(6)

Commanding



Bogota, Capital District July 11, 2002

No. 6080 MDJJ-930

Her Excellency  
Ann W. Patterson  
Ambassador of the United States of America in Colombia  
Bogota

Dear Mrs. Ambassador:

Within the framework of bilateral cooperation between the Government of the Republic of Colombia and the Government of the United States of America, the Government of Colombia has noted the legislation approved by the Congress of the United States of America, specifically Section 1033 of the National Defense Act for fiscal year 1998-2002, which permits the Department of Defense to furnish assistance to counternarcotics activities that other governments carry out.

Considering the foregoing, and the conversations between the Ministry of National Defense of the Republic of Colombia and the Embassy of the United States in Colombia, this Ministry expresses to the Embassy of the United States its intention of accepting the transfer of riverine boats and related material, [and] support in maintaining and repairing these boats.

Additionally, the Ministry of National Defense accepts the terms and conditions agreed for the delivery of defense articles related to training and other defense services mentioned in the Foreign Assistance Act, in accordance with the Memorandum of Understanding between the Government of the Republic of Colombia and the Government of the Republic of the United States on the transfer, use, security and supervision of the use of the articles, services or related training that the Government of the United States of America may furnish to the Republic of Colombia, signed the first of August 1997 and amplified by the amendment to the implementation document signed by the Ministry of National Defense and the Ambassador of the United States in Colombia on January 21, 2000.

Finally, the Ministry of National Defense notifies the Secretary of Defense of the United States of America that:

1. The transfers of equipment and materials that are carried out will be subject to all of the terms and conditions of previous agreements made under the Foreign Assistance Act of 1961.
2. The equipment and materials transferred in accordance with Section 1033 will be used solely by officials and employees of the Government of Colombia's military

forces, who routinely are subjected to background checks by the appropriate Colombian authorities.

3. The Ministry of National Defense guarantees to the Government of the United States the right to have access to the equipment and material that is furnished and to the records related to their use, in accordance with the terms of the memorandum of August 1997.

I take this opportunity to express to your Excellency assurances of my highest and most distinguished regards.

Sincerely,

Gustavo Bell Lemus  
Minister of National Defense

Bogota  
July 16, 2002

Number 6158 - MDNJ

Her Excellency  
Anne W. Patterson  
Ambassador of the United States of America in Colombia  
Bogota, D.C.

Dear Mrs. Ambassador:

Sincerely and as a complement to official letter Number 6080 MDJJ-930 of July 11, 2002, I hereby notify the Secretary of Defense of the United States of America of the following:

1. The equipment and material that are received will not be transferred (by sale, gift or in another manner) to any person or entity that is not authorized by the Government of the United States of America.
2. The equipment and material will be used solely for the purposes foreseen by the Government of the United States of America.
3. The Ministry of National Defense will guarantee the security of all equipment and materials provided by the Government of the United States of America under Section 1033 of the National Defense Authorization Act for fiscal year 1998, bearing in mind that this security be consistent with that which the Ministry of National Defense of Colombia provides to its own equipment and materials.

I take this opportunity to reiterate to you my highest consideration and esteem.

Sincerely,

Gustavo Bell Lemus  
Minister of National Defense

Luz Marina Gil Garcia  
Chief of the Legal Office



REPUBLICA DE COLOMBIA



MINISTERIO DE DEFENSA NACIONAL

DESPACHO

No. 6080 MDJJ-930

Bogotá D.C., 11 JUL 2002

Su Excelencia  
Ann W. Patterson  
Embajadora de los Estados Unidos de América en Colombia  
Ciudad

Estimada Señora Embajadora:

En el marco de la cooperación bilateral entre el Gobierno de la República de Colombia y el Gobierno de los Estados Unidos de América, el Gobierno de Colombia ha tomado nota de la legislación aprobada por el Congreso de los Estados Unidos de América, específicamente la Sección 1033 de la Ley de Defensa Nacional para el año fiscal de 1998-2002, la cual le permite al Departamento de Defensa suministrar asistencia a las actividades antinarcóticos que adelanten otros gobiernos.

Teniendo en cuenta lo anterior, y las conversaciones sostenidas entre el Ministerio de Defensa Nacional de la República de Colombia y la Embajada de los Estados Unidos en Colombia, este Ministerio expresa a la Embajada de los Estados Unidos su intención de aceptar la transferencia de botes fluviales y materiales relacionados, el apoyo en el mantenimiento y la reparación de los mismos.

Adicionalmente, el Ministerio de Defensa Nacional acepta los términos y condiciones acordados para la entrega de artículos de defensa relativos a capacitación y otros servicios de defensa de los que habla la Ley de Asistencia Extranjera, de conformidad con el Memorando de Entendimiento entre el Gobierno de la República de Colombia y el Gobierno de la República de los Estados Unidos sobre la transferencia, el uso, la seguridad y el seguimiento de la utilización de artículos, los servicios o el adiestramiento conexo que el Gobierno de los Estados Unidos de América puede suministrar al Gobierno de la República de Colombia firmado el primero de agosto de 1997 y ampliado a través de la enmienda al documento de implementación suscrita por el Ministerio de Defensa Nacional y el Embajador de los Estados Unidos en Colombia el 21 de enero de 2000.

Finalmente, el Ministerio de Defensa Nacional se permite notificar al Secretario de Defensa de los Estados Unidos de América que:

1. La transferencias que se efectúen de equipo y materiales estarán sujetos a todos los términos y condiciones de acuerdos previos realizados bajo la ley de Asistencia Extranjera de 1961.
2. El equipo y los materiales transferidos de conformidad de la Sección 1033 serán utilizados únicamente por funcionarios y empleados del Gobierno de Colombia - Fuerzas Militares, que normalmente están sometidos a un estudio de antecedentes por parte de las autoridades Colombianas competentes.
3. El Ministerio de Defensa Nacional garantiza al Gobierno de los Estados Unidos el derecho a tener acceso al equipo y al material suministrado y a los archivos relacionado con el uso de los mismos, de acuerdo con los términos del memorando de agosto de 1997.

Aprovecho la oportunidad para expresar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Atentamente,

  
GUSTAVO BELL LEMUS  
Ministro de Defensa Nacional

TRABAJAMOS PARA CONSTRUIR NUESTRO PAÍS  
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REPÚBLICA DE COLOMBIA  
MINISTERIO DE DEFENSA NACIONAL



OPRIMIR

Bogotá, 16 JUL 2002

No. 6156 - AVONJ

Su Excelencia  
ANNE W. PATTERSON  
Embajadora de los Estados Unidos de América en Colombia  
Bogotá, D.C.

Estimada Señora Embajadora:

De manera atenta y en complemento al oficio No 6080 MD.IJ-930 del 11 de julio de 2002, me permito notificar al Secretario de Defensa de los Estados Unidos de América lo siguiente:

1. El equipo y material recibidos no serán transferidos (por venta, donación o de otra manera) a ninguna persona o entidad que no esté autorizada por el Gobierno de los Estados Unidos de América.
2. El equipo y el material serán utilizados solamente para los propósitos previstos por el Gobierno de los Estados Unidos de América.
3. El Ministerio de Defensa Nacional garantizará seguridad a todos los equipos y materiales provistos por el Gobierno de los Estados Unidos de América bajo la sección 1033 de la Ley de Autorización para la Defensa Nacional de año fiscal 1998, teniendo presente que dicha seguridad sea consistente con la que el Ministerio de Defensa Nacional de Colombia provee a sus propios equipos y materiales.

Aprovecho la oportunidad para reiterarle mis más altos sentimientos de consideración y aprecio.

Atentamente,

  
GUSTAVO BELL LEMUS  
Ministro de Defensa Nacional

  
LUZ MARINA G. GARCIA  
Jefe Oficina Jurídica

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## COORDINATION

OUSDC	Mr. Dov S. Zakheim	<u>July 22, 2002</u>
ASD (LA)	(b)(6)	<u>July 15, 2002</u>
OGC	Mr. Daniel J. Dell'Orto	<u>July 30, 2002</u>
Director, Joint Staff	LTG John Abizaid	<u>July 26, 2002</u>