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**United States of America
and
El Salvador**

Agreement between the Government of the Republic of El Salvador and the Government of the United States of America concerning security measures for the protection of classified military information. Antiguo Cuscatlán, 1 February 2007

Entry into force: *1 February 2007 by signature, in accordance with article 23*

Authentic texts: *English and Spanish*

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**No UNTS volume number has yet been determined for this record. Only the authentic English and Spanish texts of the Free Trade Agreement with the corresponding translation into French are published herein. The technical Annex 4-1 containing pages of the product-specific rules of origin, lists of products and tariff schedules are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.*

**États-Unis d'Amérique
et
El Salvador**

Accord entre le Gouvernement de la République d'El Salvador et le Gouvernement des États-Unis d'Amérique concernant les mesures de sécurité pour la protection des informations militaires classifiées. Antiguo Cuscatlán, 1^{er} février 2007

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**Aucun numéro de volume n'a encore été attribué à ce dossier. Seuls les textes authentiques anglais et espagnol de l'Accord de libre échange avec la traduction en français sont publiés ici. Les annexes 4-1 contenant des informations de caractère technique telle que, les pages des règles d'origine propres aux produits, les listes de produits et les grilles de tarifs ne sont pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
EL SALVADOR AND THE GOVERNMENT OF THE UNITED STATES OF
AMERICA CONCERNING SECURITY MEASURES FOR THE PROTECTION
OF CLASSIFIED MILITARY INFORMATION**

The Government of the United States of America and the Government of the Republic of El Salvador, hereinafter referred to as “the Parties,” and separately as “a Party;”

In furtherance of mutual cooperation to ensure the protection of classified military information;

Have agreed as follows:

ARTICLE 1

Classified military information provided directly or indirectly by one Party to the other Party, or to an official or other representative of the other Party, shall be protected according to the terms set forth herein and in accordance with the laws and regulations of the country of the recipient Party.

ARTICLE 2

Each Party shall promptly notify the other of any changes to its laws and regulations that would affect the protection of classified military information under this Agreement. In such case, the Parties shall consult, as provided for in Article 23, to consider possible amendments to this Agreement. In the interim, classified military information shall continue to be protected as described in this Agreement, unless otherwise agreed in writing by the releasing Party.

ARTICLE 3

For the purpose of this Agreement, classified military information is information that is generated by or for the Department of Defense of the Government of the United States of America or the Ministry of National Defense of the Government of the Republic of El Salvador, or that is under their jurisdiction and control, and which requires protection in the interests of national security of the Party by or for whom the information was generated.

For the Government of the United States of America, classified military information is marked CONFIDENTIAL, SECRET, or TOP SECRET. For the Government of the Republic of El Salvador, it is marked CONFIDENCIAL, SECRETO, or ULTRA SECRETO.

The information may be in oral, visual, electronic, magnetic or documentary form, or in the form of equipment or technology.

Equivalent classifications are as follows:

United States

Top Secret
Secret
Confidential

El Salvador

Ultra Secreto
Secreto
Confidencial

ARTICLE 4

Supplemental annexes under this Agreement may be concluded by the designated implementing agencies. For the Government of the United States of America, the implementing agency shall be the Department of Defense. For the Government of the Republic of El Salvador, the implementing agency shall be the Ministry of National Defense.

ARTICLE 5

No individual shall be entitled to access to classified military information solely by virtue of rank, appointment, or security clearance. Access to the information shall be granted only to those officials whose official duties require such access and who have been granted a personnel security clearance in accordance with the prescribed standards of the recipient Party. The Parties shall ensure that:

- A. The recipient Party shall not release the information to a government, person, firm, institution, organization or other entity of a third country without the prior written approval of the releasing Party;
- B. The recipient Party shall afford the information a degree of protection equivalent to that afforded by the releasing Party;
- C. The recipient Party shall not use the information for any other purpose than that for which it was provided without the prior written approval of the releasing Party;
- D. The recipient Party shall respect private rights, such as patents, copyrights, or trade secrets, which are involved in the information; and
- E. Each facility or establishment that handles classified military information shall maintain a registry of the security clearance of individuals at the facility or establishment who are authorized to have access to such information.

ARTICLE 6

The determination on the granting of a security clearance to an individual shall be consistent with the interests of national security and shall be based upon all available information indicating whether the individual is of unquestioned loyalty, integrity, trustworthiness, and excellent character, and of such habits and associates as to cast no doubt upon his or her discretion or good judgment in the handling of classified military information.

ARTICLE 7

An appropriate investigation, in sufficient detail to provide assurance that the criteria set forth in the foregoing Article have been met, shall be conducted by the Parties with respect to any individual to be granted access to classified military information covered by this Agreement.

ARTICLE 8

Before a representative of a Party releases classified military information to an official of the other Party, the receiving Party shall provide to the releasing Party an assurance that the official or his representative possesses the necessary security clearance and requires access to the information for official purposes, and that the information will be protected by the receiving Party in an equivalent manner as required by the releasing party.

ARTICLE 9

Authorizations for visits by representatives of one Party to facilities and establishments of the other Party, where access to classified military information is required, shall be limited to those necessary for official purposes. Authorization to visit a facility or establishment shall be granted only by the Party in whose territory the facility or establishment is located or by government officials designated by that Party. The visited Party or the designee shall be responsible for advising the facility or establishment of the proposed visit, the topic, scope and highest level of classified military information that may be furnished to the visitor. Requests for visits by representatives of the Parties shall be submitted through the United States Defense Attaché Office in El Salvador, in the case of United States visitors, and through the Salvadoran Defense Attaché Office in Washington, D.C., in the case of Salvadoran visitors.

ARTICLE 10

Each Party shall be responsible for safeguarding all classified military information of the other Party while the information is in transit or storage within its territory.

ARTICLE 11

Each Party shall be responsible for the security of all government and private facilities and establishments where the classified military information of the other Party is kept and shall assure that for each such facility or establishment qualified officials are appointed who shall have the responsibility and authority for the control and protection of the information.

ARTICLE 12

The classified military information shall be stored in a manner that assures access only by those individuals who have been authorized access pursuant to Articles 5, 6, 7, and 8 of this Agreement.

ARTICLE 13

Classified military information shall be transmitted between the Parties through government-to-government channels. The minimum requirements for the security of the information during transmission shall be as follows:

A. Documents

- (1) Documents or other media containing classified military information shall be transmitted in double, sealed envelopes, the innermost envelope bearing only the classification of the documents or other media and the organizational address of the intended recipient, and a second, outer envelope bearing the organizational address of the recipient, the organizational address of the sender, and the registry number, if any.
- (2) No indication of the classification of the enclosed documents or other media and their intended purpose shall be made on the outer envelope. The sealed envelope shall be transmitted according to the prescribed regulations and official procedures of the releasing Party.
- (3) Receipts shall be prepared for packages containing classified documents or other media that are transmitted between the Parties, and a receipt for the enclosed documents or media shall be signed by the final recipient and returned to the sender.

B. Classified Equipment

- (1) Classified equipment shall be transported in sealed, covered vehicles, or be securely packaged or protected in order to prevent identification of its details, and kept under continuous control to prevent access by unauthorized persons.
- (2) Classified equipment which must be stored temporarily awaiting shipment shall be placed in a protected storage area. The area shall be protected by intrusion- detection equipment or guards with security clearances who shall maintain continuous surveillance of the storage area. Only authorized personnel with the requisite security clearance shall have access to the storage area.
- (3) Receipts shall be obtained on every occasion when classified equipment changes hands en route.
- (4) Receipts shall be signed by the final recipient and returned to the sender.