

## LEND-LEASE <sup>1</sup>

*Preliminary agreement signed at Washington February 23, 1942*

*Entered into force February 23, 1942*

*Supplemented by agreement of September 3, 1942* <sup>2</sup>

56 Stat. 1433; Executive Agreement Series 241

Whereas the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace securing order under law to themselves and all nations;

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941,<sup>3</sup> that the defense of the United Kingdom against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the United Kingdom aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the United Kingdom receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the defense aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the United Kingdom and will promote the establishment and maintenance of world peace;

And whereas the Governments of the United States of America and the

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<sup>1</sup> See also lend-lease settlement agreements of Dec. 6, 1945 (TIAS 1509, *post*, p. 700); Mar. 27, 1946 (TIAS 1509, *post*, p. 745); Feb. 19 and 28, 1947 (TIAS 1635, *post*, p. 812); Jan. 7, 1948 (TIAS 1698, *post*, p. 843); June 18, 1948 (reported in 45th Report on Lend-Lease Operations, p. 19); June 29, 1948 (reported in 45th Report on Lend-Lease Operations, p. 19); July 12, 1948 (TIAS 1769 and 1770, *post*, pp. 891 and 897); Apr. 28 and 30, 1952 (3 UST 4180; TIAS 2562); Dec. 31, 1954, and Jan. 3, 1955 (reported in 45th Report on Lend-Lease Operations, p. 19); Apr. 24 and 25, 1957 (8 UST 771; TIAS 3834); and May 1 and 3, 1957 (reported in 45th Report on Lend-Lease Operations, p. 20).

<sup>2</sup> EAS 270, *post*, p. 617.

<sup>3</sup> 55 Stat. 31.

United Kingdom are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such terms and conditions and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfil or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the United Kingdom have been performed, fulfilled or executed as required;

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

#### ARTICLE I

The Government of the United States of America will continue to supply the Government of the United Kingdom with such defense articles, defense services, and defense information as the President shall authorize to be transferred or provided.

#### ARTICLE II <sup>4</sup>

The Government of the United Kingdom will continue to contribute to the defense of the United States of America and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply.

#### ARTICLE III

The Government of the United Kingdom will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act or permit the use thereof by anyone not an officer, employee, or agent of the Government of the United Kingdom.

#### ARTICLE IV

If, as a result of the transfer to the Government of the United Kingdom of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the United Kingdom will take such action or make such payment when requested to do so by the President of the United States of America.

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<sup>4</sup> For an agreement of Sept. 3, 1942, supplementing arts. II and VI, see EAS 270, *post*, p. 617.

## ARTICLE V

The Government of the United Kingdom will return to the United States of America at the end of the present emergency, as determined by the President, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

ARTICLE VI <sup>4</sup>

In the final determination of the benefits to be provided to the United States of America by the Government of the United Kingdom full cognizance shall be taken of all property, services, information, facilities, or other benefits or considerations provided by the Government of the United Kingdom subsequent to March 11, 1941, and accepted or acknowledged by the President on behalf of the United States of America.

## ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of the United Kingdom in return for aid furnished under the Act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the United Kingdom, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941,<sup>5</sup> by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

<sup>5</sup> EAS 236, *ante*, vol. 3, p. 686.

## ARTICLE VIII

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two Governments.

Signed and sealed at Washington in duplicate this twenty-third day of February 1942.

For the Government of the United States of America:  
SUMNER WELLES [SEAL]  
*Acting Secretary of State  
of the United States of America.*

For the Government of the United Kingdom of Great  
Britain and Northern Ireland:  
HALIFAX [SEAL]  
*His Majesty's Ambassador Extraor-  
dinary and Plenipotentiary  
at Washington.*