No. 8221

UNITED STATES OF AMERICA
and
URUGUAY

Exchange of notes constituting an agreement relating to an educational commission and financing of exchange programs. Montevideo, 22 March and 17 May 1965

Official texts: English and Spanish.
Registered by the United States of America on 9 June 1966.

ÉTATS-UNIS D'AMÉRIQUE
et
URUGUAY

Échange de notes constituant un accord relatif à la création d'une commission de l'enseignement et au financement de programmes d'échanges. Montevideo, 22 mars et 17 mai 1965

Textes officiels anglais et espagnol.
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No. 8221. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT[1] BETWEEN THE UNITED STATES OF AMERICA AND URUGUAY RELATING TO AN EDUCATIONAL COMMISSION AND FINANCING OF EXCHANGE PROGRAMS. MONTEVIDEO, 22 MARCH AND 17 MAY 1965

I

The American Chargé d'Affaires ad interim to the Uruguayan Minister of Foreign Affairs

No. 434

Montevideo, March 22, 1965

Excellency :

I have the honor to refer to Agreements concerning the sale of United States agricultural commodities for Uruguayan pesos signed by the Government of Uruguay in pursuance of Uruguayan law No. 12,509 of July 1, 1958, and by the Government of the United States of America under the Authority of Public Law 480, as amended, and I refer in particular to the first two sentences of Article II of the Agreement of February 20, 1959, [2] which provides that :

> " The two Governments agree that the pesos accruing to the Government of the United States of America as a consequence of the sales made pursuant to this Agreement will be used by the Government of the United States of America in such manner and order of priority as the Government of the United States of America shall determine, for the following purposes, in the amounts shown :
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> " 1. For United States expenditures under subsections (*a*), (*b*), (*d*), (*f*), (*h*), (*i*), (*k*), (*l*), (*m*), (*n*) and (*o*) of Section 104 of the Act, or under any of such sub-sections, the Uruguayan peso equivalent of $1.95 million. "

Subsection (*h*) of Section 104 of Public Law 480, as amended, provides that an amount of the foreign currencies deriving from the sale of surplus agricultural commodities may be used to finance international educational exchange programs between the United States of America and other countries. The Secretary of State of the United States of America, in accordance with Public Law 256, 87th Congress, as amended, is authorized to enter into an executive agreement or agreements with other Governments for the use of currencies of any such government held or available for expenditure by the United States for the purpose of providing for the formation of foundations or otherwise for financing international educational exchange programs between the United States and that country.

[1] Came into force on 17 May 1965 by the exchange of the said notes.

[2] United Nations, *Treaty Series*, Vol. 341, p. 201 ; Vol. 346, p. 358 ; Vol. 360, p. 428 ; Vol. 361, p. 372 ; Vol. 368, p. 372 ; Vol. 401, pp. 316 and 319, and Vol. 433, p. 372.

Consistent with this provision of Public Law 87-256, it would be appreciated if Your Excellency would be so kind as to acknowledge this note with a communication confirming that the Government of the United States of America may use Uruguayan pesos accruing to the United States of America available for this purpose in carrying out an international exchange program between Uruguay and the United States under the conditions which are detailed in the following sections of this note.

1. There shall be established a Commission to be known as the " Commission for Educational Exchange between the United States of America and Uruguay " (hereinafter designated " the Commission ") to facilitate the administration of the international educational exchange program to be financed with funds specified in numbered section 8 of this note.

Except as provided in numbered section 4 of this note, the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in Public Law 256. It is assumed that any property which may be acquired with these funds in the clear and reasonable furtherance of this program of international exchange as specified in section 3 (*d*) of this note, in the same manner as the peso funds accruing to the Government of the United States, will be regarded by the Government of Uruguay as property of the Government of the United States of America subject of course to the prior approval of the Minister of Foreign Affairs of the Republic of Uruguay with respect to the acquisition of any real property as specified in section 3 (*d*) of this note.

The funds made available for the international educational exchange program, within the conditions and limitations hereinafter set forth, shall be used, as authorized by the Commission, for the purpose of financing :

a. Studies, research, instruction and other educational activities (i) of or for American citizens and nationals in Uruguay, and (ii) of or for citizens and nationals of Uruguay in American schools and institutions of learning ;

b. Visits and interchanges between the United States of America and Uruguay of students, trainees, teachers, instructors, and professors ; and

c. such other educational and cultural programs and activities as are provided for in budgets approved in accordance with section 4 of this note.

2. The Commission shall consist of eight members, four of whom shall be citizens of Uruguay and four of whom shall be citizens of the United States of America. In addition, the Chief of the Diplomatic Mission of the United States of America to Uruguay shall be honorary chairman of the Commission and shall be empowered to cast the deciding vote in the event of a tie vote by the Commission.

The Chief of the Diplomatic Mission of the United States of America to Uruguay shall have the authority to offer and confer appointment of the members of the Commission. At least two of the United States members shall be officers of the United States Foreign Service establishment in Uruguay, one of whom shall serve as Chairman of the Commission, and the other shall serve as Treasurer.

The members shall serve from the time of their appointment until the following December 31st and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside Uruguay, expiration of service, or otherwise, shall be filled in accordance with the appointment procedure set forth in this numbered section of this note. The members shall serve without compensation but the Commission may authorize the payment of the necessary expenses of the members in attending the meetings of the Commission and performing other official duties assigned by the Commission.

3. In furtherance of the aforementioned purposes, the Commission may, subject to the provisions set forth in this note, exercise all powers necessary to the carrying out of the purposes of this international educational exchange program, including the following :

a. Plan, adopt and carry out programs in accordance with the purposes of the program specified in this note.

b. Recommend to the Board of Foreign Scholarships, students, professors, research scholars, teachers, resident in Uruguay, and also institutions of Uruguay qualified to participate in the educational exchange program.

c. Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives specified in this note.

d. Authorize the Treasurer of the Commission, an officer of the United States Foreign Service establishment in Uruguay, to acquire, hold, and dispose of property for the use of the Commission as the Board of Directors of the Commission may consider necessary or desirable, provided, however, that the property acquired under this authorization shall be restricted to property which is of a kind that can reasonably and clearly be considered to be necessary and desirable for furthering a program of international educational exchange, and provided further that the acquisition of any real property shall be subject to the prior approval of the Minister of Foreign Affairs of the Republic of Uruguay and the Secretary of State of the United States of America.

e. Authorize the Treasurer of the Commission, an officer of the United States Foreign Service establishment in Uruguay, or such other person as he may designate, to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission, or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America. The Treasurer shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.

f. Authorize the Treasurer of the Commission to disburse funds and to make grants and advances of funds for the authorized purposes specified in this note, including payment for transportation, tuition, maintenance and other expenses incident thereto.

g. Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.

h. Authorize the Treasurer of the Commission to incur administrative expenses as may be deemed necessary out of funds made available for the international educational exchange program as specified in section 8 of this note.