

No. 1063

**THAILAND
and
UNITED STATES OF AMERICA**

**Agreement for financing certain educational exchange programmes.
Signed at Bangkok, on 1 July 1950**

Official text: English.

Registered by Thailand on 26 February 1951.

**THAÏLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif au financement de certains programmes d'échange
dans le domaine de l'éducation. Signé à Bangkok, le 1er juillet
1950**

Texte officiel anglais.

Enregistré par la Thaïlande le 26 février 1951.

No. 1063. AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THAILAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMMES. SIGNED AT BANGKOK, ON 1 JULY 1950

The Government of Thailand and the Government of the United States of America;

Desiring to promote further mutual understanding between the peoples of the United States of America and Thailand by a wider exchange of knowledge and professional talents through educational contacts;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress, provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies, of such foreign government acquired as a result of surplus property disposals, for certain educational activities; and

Considering that under the provisions of Article 6 of the Sales Contract dated May 16, 1946, as amended by Supplement No. 2 dated May 14, 1949, the Government of the United States may request local currency of Thailand made available for the payment of any of all expenditures in Thailand of the United States and its agencies, including the payment of the cost of such educational and cultural programs as may be agreed upon by the United States and Thailand

Have agreed as follows:

Article 1

There shall be established a Foundation to be known as the United States Educational Foundation in Thailand (hereinafter designated "the Foundation"), which shall be recognized by the Government of the United States of America and the Government of Thailand as an organization created and established to facilitate the administration of an educational program to be financed by funds made available to the Foundation by the Government of the United States from

¹ Came into force on 1 July 1950, as from the date of signature, in accordance with article 13.

funds obtained from the Government of Thailand in accordance with the Sales Contract of May 16, 1946, as amended by Supplement No. 2 dated May 14, 1949. Except as provided in Article 3 hereof the Foundation 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 the present agreement. The funds shall be regarded in Thailand as property of a foreign government.

The funds made available under the present agreement within the conditions and limitations hereinafter set forth, shall be used by the Foundation or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of Thailand, for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

- (1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Thailand, or of the nationals of Thailand in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or
- (2) furnishing transportation for citizens of Thailand who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2

In furtherance of the aforementioned purposes, the Foundation may, subject to the provisions of the present agreement, exercise all powers necessary to the carrying out of the purposes of the present agreement including the following:

- (1) Plan and, subject to the approval of the Secretary of State of the United States of America, carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended and the purposes of the present agreement.
- (2) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Thailand, and institutions of

Thailand, qualified to participate in the program in accordance with the aforesaid Act.

- (3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the Selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the present agreement.
- (4) Authorize the Treasurer of the Foundation or such other person as the Foundation may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Foundation 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 and he shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.
- (5) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present agreement.
- (6) Provide for periodic audits of the accounts of the Treasurer of the Foundation as directed by auditors selected by the Secretary of State of the United States of America.
- (7) Engage an Executive Officer, administrative and clerical staff and fix and authorize the payment of the salaries and wages thereof out of funds made available under the present agreement.

Article 3

All commitments, obligations, and expenditures authorized by the Foundation shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4

The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of eight Directors (hereinafter designated "the Board"), four of whom shall be citizens of the United States of America and four of whom shall be citizens of Thailand. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America in Thailand (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The Chairman as a regular member of the Board shall have the right to vote. The Chief of Mission shall have the power to appoint and remove the citizens of the United States of America on the Board at least two of whom shall be officers of the United States

Foreign Service establishment in Thailand. The Government of Thailand shall have the power to appoint and remove the citizens of Thailand on the Board.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside Thailand, expiration of service or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

The members shall serve without compensation but the Board may authorize the payment of the necessary expenses of the members in attending the meetings of the Board and in performing other official duties assigned by the Board.

Article 5

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Foundation.

Article 6

Reports acceptable in form and content to the Secretary of State of the United States of America shall be made annually on the activities of the Foundation to the Secretary of State of the United States of America and the Government of Thailand.

Article 7

The principal office of the Foundation shall be in the capital city of Thailand but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Foundation's officers or staff may be carried on at such places as may be approved by the Board.

Article 8

The Government of Thailand shall, as and when requested by the Government of the United States of America for purposes of this agreement, make available for deposit in Thailand in an account in the name of the Treasurer of the United States of America, amounts of currency of the Government of Thailand up to an aggregate amount equivalent to \$1,000,000 (United States currency) provided, however, that in no event shall a total amount of the currency of the Government of Thailand in excess of the equivalent of \$200,000 (United States currency) be made available during any single calendar year.

The rate of exchange between currency of the Government of Thailand and United States currency to be used in determining the amount of currency of the

Government of Thailand to be so deposited, shall be the rate established pursuant to the provisions of Article 6, *c.* of Supplement No. 2 of the Sales Contract.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Foundation currency of the Government of Thailand in such amounts as may be required for the purposes of this agreement but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Article 9

The Government of Thailand shall extend to citizens of the United States residing in Thailand and engaged in educational activities under the auspices of the Foundation such privileges with respect to exemption from taxation and other burdens affecting the entry, travel, residence and exit of such persons, as are extended to Thai citizens residing in the United States of America engaged in similar activities.

Article 10

The Government of the United States of America and the Government of Thailand shall make every effort to facilitate the exchange of persons programs authorized in this agreement and to resolve problems which may arise in the operations thereof.

Article 11

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 12

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Thailand.

Article 13

The present agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Bangkok in duplicate, in the English language, this first day of July, 1950.

For the Government of Thailand:

(Signed) Nai Warakan BANCHA

Minister of Foreign Affairs

For the Government of the United States of America:

(Signed) Edwin F. STANTON

American Ambassador