

No. 1930

**UNITED STATES OF AMERICA
and
JAPAN**

**Exchange of notes (with attached memorandum) constituting
an agreement relating to the establishment of a United
States Educational Commission in Japan. Tokyo, 28
August 1951**

Official texts: English and Japanese.

Registered by the United States of America on 29 October 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Échange de notes (avec mémorandum joint) constituant un
accord relatif à la création d'une Commission éducative
des États-Unis au Japon. Tokyo, 28 août 1951**

Textes officiels anglais et japonais.

Enregistré par les États-Unis d'Amérique le 29 octobre 1952.

No. 1930. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO THE ESTABLISHMENT OF A UNITED STATES EDUCATIONAL COMMISSION IN JAPAN. TOKYO, 28 AUGUST 1951

I

The United States Political Adviser for Japan to the Japanese Minister for Foreign Affairs

OFFICE OF THE UNITED STATES POLITICAL ADVISER FOR JAPAN

Tokyo, August 28, 1951

Excellency :

I have the honor to inform you that my Government is prepared to enter upon a program for the interchange, between our respective countries, of students and others of professional skills. Such a program should be a firm step in the direction of a greater mutual understanding between the peoples of Japan and the United States.

As a medium to this objective, it is proposed that the program should be conducted within the terms of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress.² The necessary funds will be provided by virtue of the Amendment to the existing Surplus Property Agreements, dated May 3, 1949, between the Government of the United States of America and the Government of Japan³ which, among other things, refers to the possible use of funds due to the Government of the United States under that Amendment for the establishment of an educational program between our respective countries.

In order that a proper framework may be established, it is proposed that the attached memorandum should express our mutual understanding as to the manner in which the program is to be conducted.

If the foregoing proposals are acceptable to the Government of Japan, the Government of the United States of America will consider that this note and

¹ Came into force on 28 August 1951, by the exchange of the said notes.

² United States of America : 60 Stat. 754.

³ Not printed by the Department of State of the United States of America.

your reply thereto constitute an understanding between the two governments on this subject.

Accept, Excellency, the assurances of my most distinguished consideration.

W. J. SEBALD

Enclosure :

Memorandum.

His Excellency Shigeru Yoshida
Minister for Foreign Affairs
Tokyo

MEMORANDUM CONCERNING A PROGRAM OF EDUCATIONAL EXCHANGE BETWEEN THE
UNITED STATES OF AMERICA AND JAPAN

Section 1

There shall be established a Commission to be known as the United States Educational Commission in Japan (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Japan as an organization created and established to facilitate the administration of an educational program financed by funds to be made available by the Government of Japan on account of obligations incurred by the Government of Japan for surplus property sold to it by the Government of the United States of America. Except as provided herein 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 purpose set forth herein. The funds and property shall be regarded in Japan as property of a foreign government.

The funds made available under the present memorandum, within the conditions and limitations hereinafter set forth, shall be used by the Commission or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of Japan, 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 Japan, or of the citizens of Japan 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 Japan 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.

Section 2

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present memorandum exercise all powers necessary to the carrying out of the purpose of this memorandum including the following :

- (1) Plan, adopt, and 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 memorandum ;
- (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, teachers, resident in Japan, and institutions of Japan 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 this memorandum ;
- (4) Authorize the Treasurer of the Commission or such other person as the Commission 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 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 memorandum ;
- (6) 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 ;
- (7) Engage an Executive Officer, administrative and clerical staff and fix and pay the salaries and wages thereof out of funds made available under the memorandum.

Section 3

All commitments, obligations and expenditures authorized by the Commission 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.

Section 4

The Commission shall consist of eight members, four of whom shall be citizens of the United States of America and four of whom shall be citizens of Japan. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Japan (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission. He shall cast the deciding vote in the event of a tie vote by the Commission and shall appoint the Chairman of the Commission. The Chairman as a regular member of the Commission 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 Commission. The Japanese members shall be appointed by the Government of Japan from a list of nominees concurred in by the Chief of Mission and may be removed by the Government of Japan.

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 Japan, expiration of service or otherwise, shall be filled in accordance with the appointment procedure set forth herein.

The members shall serve without compensation but the Commission is authorized to pay the necessary expenses of the members in attending the meetings of the Commission and in performing other official duties assigned by the Commission.

Section 5

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

Section 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 Commission to the Secretary of State of the United States of America and the Government of Japan.

Section 7

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

Section 8

The Government of Japan, as and when requested by the Government of the United States of America for purposes of this memorandum, shall make available for deposit in an account of the Treasurer of the United States of America in Japan currency of the Government of Japan not to exceed the equivalent of One Million Dollars (\$1,000,000) (United States currency) annually for a period of five (5) years, except that in the initial year of the operation of the Commission the amount to be made available in the currency of the Government of Japan shall not exceed the equivalent of Seven Hundred Fifty Thousand Dollars (\$750,000) (United States currency). It is understood that any funds not requested in accordance with the provisions of the preceding sentence shall be made available at such times, subsequent to the aforementioned five year period, as may be requested by the Government of the United States of America.

The rate of exchange for each transaction under this memorandum, for which a rate of exchange is required, shall be the lawful rate mutually agreeable to both parties available at the time of each transaction, provided that, if a lawful unitary exchange rate has been established, such rate shall be applicable, and provided further, if both countries have agreed par values with the International Monetary Fund, such rate is not prohibited by the Articles of Agreement¹ of such Fund.

¹ United Nations, *Treaty Series*, Vol. 2, p. 39, and Vol. 19, p. 280.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission currency of the Government of Japan in such amounts as may be required for the purposes of this memorandum but in no event in excess of the budgetary limitations established pursuant to Section 3 of the present memorandum.

Section 9

The Government of Japan shall, as far as possible, find ways and means of relieving United States grantees, on the basis of reciprocity, from Japanese taxation and other financial burdens affecting the grants made from funds available to the Commission in accordance with this memorandum. Details of the exemption may hereafter be arranged between competent authorities of the two governments.

Section 10

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

Section 11

Wherever, in the present memorandum, 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.

Section 12

This memorandum shall be reviewed by representatives of the Government of the United States of America and of the Government of Japan prior to January 1, 1954, for the purpose of developing a more complete working agreement.

[TRANSLATION¹ — TRADUCTION²]

Tokyo, August 28, 1951

Mr. Ambassador,

I have the honor to acknowledge the receipt of Your Excellency's Note of to-day's date in which Your Excellency has informed me as follows:—

[See note I]

I wish to state in reply to Your Excellency that I hereby confirm the above understanding with regard to an educational exchange program and further that necessary actions for the implementation of this program will forthwith be taken by the Government of Japan.

I avail myself of this opportunity to extend to Your Excellency, Mr. Ambassador, the assurance of my highest consideration.

Shigeru YOSHIDA
Minister for Foreign Affairs of Japan

His Excellency Mr. William J. Sebald
Ambassador of the United States of America

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.