

No. 4804

**UNITED STATES OF AMERICA
and
SPAIN**

Agreement for financing certain educational exchange programs. Signed at Madrid, on 16 October 1958

Official texts: English and Spanish.

Registered by the United States of America on 25 June 1959.

**ÉTATS-UNIS D'AMÉRIQUE
et
ESPAGNE**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Madrid, le 16 octobre 1958

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 25 juin 1959.

No. 4804. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SPAIN FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT MADRID, ON 16 OCTOBER 1958

The Government of the United States of America and the Government of Spain :

Desiring to promote further mutual understanding between the peoples of the United States of America and Spain by an increase in scientific, technical, professional and cultural exchanges;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from the currency of Spain held or available for such purposes;

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Commission for Educational Exchange between the United States of America and Spain (hereinafter designated " the Commission "), which shall be recognized by the Government of the United States and the Government of Spain as an organization created and established to facilitate the administration of an educational program to be financed by funds made available to the Commission by the Government of the United States of America from funds held or available for expenditure by the United States for such purposes.

Except as provided in Article 3 hereof, 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 the present Agreement. Such funds, as well as the office equipment and supplies acquired for the furtherance of the Agreement, shall be regarded in Spain 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 Commission or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of Spain for the purpose of :

¹ Came into force on 16 October 1958, upon the date of signature, in accordance with article 11.

- (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 Spain, or of the citizens of Spain in United States schools and institutions of learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment of transportation, tuition, maintenance, and other expenses incident to scholastic activities; or
- (2) Furnishing transportation for citizens of Spain 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 an opportunity to attend such schools and institutions.

Article 2

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all power necessary to the carrying out of the purposes of the present Agreement, including the following :

- (1) Plan, adopt and carry out programs in accordance with the present Agreement.
- (2) Recommend to the Board of Foreign Scholarships, provided for in Section 1641 (B), Title 50, appendix of the United States Code, such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives of the present Agreement.
- (3) Recommend to the aforesaid Board of Foreign Scholarships students, professors, research scholars, teachers, resident in Spain, and institutions of Spain qualified to participate in the program in accordance with the aforesaid Section.
- (4) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in a Spanish bank or banks designated by the Commission and approved by the Secretary of State of the United States of America, 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.
- (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 Commission as directed by auditors selected by the Secretary of State of the United States of America.
- (7) Incur administrative expenses as may be deemed necessary out of funds made available under the present Agreement.

Article 3

All commitments, obligations, and expenditures authorized by the Commission shall be made in accordance with an annual budget to be approved by the Secretary of State of the United States of America.

Article 4

The management and direction of the affairs of the Commission shall be vested in a Board of Directors consisting of ten members (hereinafter designated "the Board"), five of whom shall be citizens of the United States of America and five of whom shall be citizens of Spain. In addition the principal officer in charge of the Diplomatic Mission of the United States of America to Spain (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. The Board will choose a Chairman by electing him from the members. The Chairman as a regular member of the Board shall have the right to vote. The Spanish members shall be appointed and removed by the Minister of Foreign Affairs of Spain. 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 Spain, shall be appointed and removed by the Chief of Mission. In the event that the Spanish members have voted unanimously against a proposal, a period of two weeks will be allowed for appropriate consultation on the differing viewpoints before it is adopted.

Article 5

The Board shall adopt such by-laws and appoint such committees as it may deem necessary for the conduct of the affairs of the Commission. Such by-laws shall not be in conflict with Spanish legislation or that of the United States of America.

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 Commission to the Secretary of State of the United States of America and the Minister of Foreign Affairs of Spain.

Article 7

The principal office of the Commission shall be in the capital city of Spain 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 Commission's officers or staff may be carried out at such places as may be approved by the Board.

Article 8

The Government of the United States of America and the Government of Spain agree that currency of Spain acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement dated April 20, 1955¹ (hereinafter referred to as the Commodities Agreement), up to an aggregate amount of the peseta equivalent of \$600,000 (United States currency) may be used for purposes of this Agreement. When currency of Spain acquired by the Government of the United States pursuant to the Commodities Agreement is drawn and deposited by the Government of the United States for purposes of this Agreement, the rate of exchange to be used in determining the amount of currency of Spain to be so drawn and deposited shall be the rate specified in paragraph 2 (b) of Article III of the Commodities Agreement.

The performance of this Agreement shall be subject to the availability of appropriations to the Secretary of State of the United States of America when required by the laws of the United States of America.

Article 9

The Government of the United States of America and the Government of Spain 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 10

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 designated by him to act in his behalf.

Article 11

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 Spain.

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

¹ United Nations, *Treaty Series*, Vol. 239, p. 117; Vol. 241, p. 534, and Vol. 303, p. 357.

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

DONE at Madrid in duplicate, in the English and Spanish languages, both of which shall be of equal authenticity this 16th day of October, nineteen hundred and fifty-eight.

For the Government
of the United States of America :

John Davis LODGE
[SEAL]

For the Government
of Spain :

Fernando María CASTIELLA
[SEAL]