

No. 5275

**UNITED STATES OF AMERICA
and
PORTUGAL**

**Agreement for financing certain educational exchange
programs. Signed at Lisbon, on 19 March 1960**

Official texts : English and Portuguese.

Registered by the United States of America on 4 August 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
PORTUGAL**

**Accord relatif au financement de certains programmes
d'échanges dans le domaine de l'enseignement. Signé
à Lisbonne, le 19 mars 1960**

Textes officiels anglais et portugais.

Enregistré par les États-Unis d'Amérique le 4 août 1960.

No. 5275. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT LISBON, ON 19 MARCH 1960

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

Desiring to promote further mutual understanding between the peoples of the United States of America and Portugal by a wider exchange of knowledge and professional talents through educational activities :

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 Portugal held or available for expenditure by the United States 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 Portugal (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Portugal 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 purpose.

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 Portugal as property of a foreign government.

¹ Came into force on 19 March 1960, upon signature, in accordance with article 11.

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 Portugal for the purposes 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 Portugal or of the citizens of Portugal 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 of transportation, tuition, maintenance, and other expenses incident to scholastic activities ; or
- (2) Furnishing transportation for citizens of Portugal 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 powers 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 purposes of 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, students, professors, research scholars, teachers, resident in Portugal, and institutions of Portugal qualified to participate in the program in accordance with the aforesaid Section.
- (3) 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 of the present agreement.
- (4) Acquire, hold, and dispose of property (other than real estate) in the name of the Commission as the Board of Directors of the Commission may consider necessary or desirable, provided, however, that the leasing of adequate housing and facilities for the activities of the Commission will be assured.
- (5) 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 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.

- (6) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present agreement.
- (7) 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.
- (8) 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 eight members (hereinafter designated "the Board"), four of whom shall be citizens of the United States of America and four of whom shall be citizens of Portugal. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Portugal (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 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 Portugal, shall be appointed and removed by the Chief of Mission, and one of them shall serve as Treasurer of the Board. The Portuguese members shall be appointed and removed by the Government of Portugal.

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 of Portugal, 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 Commission.

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 Government of Portugal.

Article 7

The principal office of the Commission shall be in the capital city of Portugal 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 on at such places as may be approved by the Board.

Article 8

The Government of the United States of America and the Government of Portugal agree that currency of Portugal acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement dated May 24, 1956¹ (hereinafter referred to as "the Commodities Agreement"), up to an aggregate amount of 8,685,000 escudos may be used for the purposes of this 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 for reimbursement to the Treasury of the United States for currency of Portugal held or available for expenditure by the United States.

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 Portugal in such amounts as may be required for the purposes of this agreement but in no event may amounts in excess of the budgetary limitations established pursuant to Article 3 of the present agreement be expended by the Commission.

Article 9

The Government of the United States of America and the Government of Portugal 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 of America designated by him to act in his behalf.

¹ United Nations, *Treaty Series*, Vol. 268, p. 323.

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 Portugal.

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 Lisbon in duplicate, in the English and Portuguese languages each of which shall be of equal authenticity this nineteenth day of March, 1960.

For the Government
of the United States of America :

C. Burke ELBRICK

[SEAL]

For the Government
of Portugal :

Marcello MATHIAS

[SEAL]