

No. 5587

**UNITED STATES OF AMERICA
and
URUGUAY**

**Exchange of notes constituting an agreement relating to a
Commission for Educational Exchange. Montevideo,
22 July 1960**

Official texts: English and Spanish.

Registered by the United States of America on 23 February 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
URUGUAY**

**Échange de notes constituant un accord relatif à une com-
mission des échanges éducatifs. Montevideo, 22 juillet
1960**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 23 février 1961.

No. 5587. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND URUGUAY RELATING TO A COMMISSION FOR EDUCATIONAL EXCHANGE. MONTEVIDEO, 22 JULY 1960

I

The American Ambassador to the Uruguayan Minister of Foreign Affairs

No. 25

Montevideo, July 22, 1960

Excellency :

I have the honor to refer to the Agreement concerning the sale of United States agricultural commodities for Uruguayan pesos which was signed on February 20, 1959,² 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 authorization 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, which provide 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 :

“ 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.”

Sub-section (h) of Section 104 of Public Law 480, as amended, provides that a limited amount of the foreign currencies deriving from the sale of surplus agricultural commodities may be used to finance international educational exchange programs as authorized by Public Law 584, 79th Congress, as amended, known as the Fulbright Act (50 U.S.C. App. 1641 (b)). Public Law 584, as amended, provides in turn that the Secretary of State of the United States of America is authorized to enter into an executive agreement or agreements with any foreign country for the use of currencies of such government held or available for expenditures by the United States or any agency thereof, for the purpose of providing for the formation of foundations or other-

¹ Came into force on 22 July 1960 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 and Vol. 368, p. 372.

wise for financing an international educational exchange program between the United States and that country. While the first two sentences of the Agreement of February 20, 1959, as cited in this note, constitute formal agreement between the Government of Uruguay and the Government of the United States of America for this purpose, Public Law 584 also provides that no such agreement shall relate to any subject other than the use and expenditure of such currencies, or credits for currencies, for the purposes set forth in Public Law 584, that is for a program of international educational exchange.

Consistent with this requirement of Public Law 584, it would be appreciated if Your Excellency would be so kind as to acknowledge this note with a communication confirming without relation to the use of peso funds for any purpose other than an international educational exchange program, that the Government of Uruguay agrees as evidenced by the Agreement of February 20, 1959, that the Government of the United States of America may use such portion as it may determine of the Uruguayan peso equivalent of \$1.95 million of the pesos accruing to the Government of the United States of America as a consequence of the sales made pursuant to the Agreement in carrying out an international educational 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 584. It is assumed that any property which may be acquired with these funds in the clear and reasonable furtherance of this program of international educational 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 :

- a. 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 Uruguay or of the citizens of Uruguay in United States schools and institutions of higher learning located outside the United

States, Puerto Rico, and the Virgin Islands, including payment of transportation, tuition, maintenance, and other expenses incident to scholastic activities;

- b.* Furnishing transportation for citizens of Uruguay who desire to attend United States schools and institutions of higher learning in the United States, 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.

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, provided for in Title 50, United States Code Appendix, Section 1641 (*b*) (2), students, professors, research scholars, teachers, resident in Uruguay, and also institutions of Uruguay qualified to participate in the educational exchange program in accordance with the aforesaid section of the United States Code.
- 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 of 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.
- 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.

4. 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.

5. The Commission shall adopt such by-laws and appoint such committees as it shall deem necessary.

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 Uruguay.

7. The principal office of the Commission shall be in Montevideo 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.

8. The Secretary of State of the United States of America proposes to allot up to an aggregate amount of 2,991,000 pesos for the purpose of carrying out an

international educational exchange program between Uruguay and the United States as contemplated by sub-section (h) of Section 104 of Public Law 480.

The performance of the provisions of this note 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.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission, currency of Uruguay in such amounts as may be required for the purposes specified in this note but in no event may amounts in excess of the budgetary limitations established as stated in section 4 of this note be expended by the Commission.

9. The Government of the United States of America will appreciate the cooperation of the Government of Uruguay in efforts to facilitate the exchange of persons programs specified in this note and to resolve problems which may arise in the operations thereof.

10. Wherever, in the present note, 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.

Accept, Excellency, the renewed assurances of my highest consideration.

Robert F. WOODWARD

His Excellency Homero Martínez Montero
Minister of Foreign Affairs
Montevideo

II

The Uruguayan Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

MINISTERIO DE RELACIONES EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

DG. 87/960

DG. 87/960

Montevideo, 22 de julio de 1960

Montevideo, July 22, 1960

Excelencia :

Excellency :

Tengo el honor de acusar recibo de la nota de Vuestra Excelencia N° 25, de fecha 22 del corriente mes relativa a la intención del Gobierno de los Estados Unidos de América de utilizar una cantidad limitada de moneda nacional producida por la venta a la República de productos agrícolas excedentes, para financiar un Programa de Intercambio Educativo Internacional, tal como lo autoriza la Ley Pública de Vuestro país n° 584, de la 79 Legislatura, enmendada.

I have the honor to acknowledge the receipt of Your Excellency's note No. 25 dated the 22d of this month, concerning the intention of the Government of the United States of America to use a limited amount of the national currency deriving from the sale to the Republic of surplus agricultural commodities, in order to finance a Program of International Educational Exchange, as authorized in Public Law 584, 79th Congress, as amended, of your country.

El Gobierno de la República ha tomado debida nota de la comunicación del señor Embajador en cuanto a la manera cómo se administrarán dicho Programa y sus recursos.

The Government of the Republic has taken due note of the communication from the Ambassador concerning the manner in which the said Program and its funds will be administered.

Me complace en informar a Vuestra Excelencia que, según surge del Convenio firmado entre el Gobierno de la República y el de los Estados Unidos de América el 20 de febrero de 1959, el Gobierno uruguayo está de acuerdo con que el de los Estados Unidos utilice aquella porción que él determine del equivalente en moneda nacional de un millón novecientos cincuenta mil dólares, que le corresponden como producido de las ventas realizadas de

I am pleased to inform Your Excellency that, as evidenced by the Agreement signed between the Government of the Republic and the Government of the United States of America on February 20, 1959, the Uruguayan Government agrees that the Government of the United States may use such portion as it may determine of the national currency equivalent of one million nine hundred and fifty thousand dollars accruing to

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

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

productos agrícolas excedentes en cumplimiento del Convenio, para llevar a cabo el Programa de Intercambio Educativo entre ambos países, bajo las condiciones detalladas en la nota que contesto.

El Gobierno del Uruguay ve con satisfacción los altos fines culturales y de acercamiento entre ambos pueblos, perseguidos por medio del Programa a establecerse y cooperará en todo aquello que facilite su ejecución. Asimismo, considerará, con la mejor buena voluntad, los problemas que surjan de las operaciones del Programa con vistas a su solución satisfactoria.

Reitero a Vuestra Excelencia las seguridades de mi más alta consideración.

H. MARTÍNEZ M.

A Su Excelencia
El Señor Robert Forbes Woodward
Embajador Extraordinario
y Plenipotenciario
de los Estados Unidos de América
Montevideo

it as a consequence of the sales of surplus agricultural commodities under the Agreement, in carrying out the Program of Educational Exchange between the two countries, under the conditions detailed in the note to which I am replying.

The Government of Uruguay looks with satisfaction upon the high cultural objectives and the closer relations between the two peoples sought through the Program to be established, and it will cooperate in every respect that may facilitate its execution. Likewise, it will take under consideration, with the best good will, the problems that may arise from the operations of the Program with a view to their satisfactory solution.

I renew to Your Excellency the assurances of my highest consideration.

H. MARTÍNEZ M.

His Excellency
Robert Forbes Woodward
Ambassador Extraordinary
and Plenipotentiary
of the United States of America
Montevideo