

No. 6956

**UNITED STATES OF AMERICA
and
AUSTRIA**

Agreement for the financing of certain educational and cultural exchange programs. Signed at Vienna, on 25 June 1963

Official texts: English and German.

Registered by the United States of America on 8 October 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement et de la culture. Signé à Vienne, le 25 juin 1963

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 8 octobre 1963.

No. 6956. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE FEDERAL GOVERNMENT OF AUSTRIA FOR THE FINANCING OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS. SIGNED AT VIENNA, ON 25 JUNE 1963

The Government of the United States of America and the Federal Government of Austria;

Desiring to continue and expand programs to promote further mutual understanding between the peoples of the United States of America and Austria through educational and cultural contacts;

Considering that such programs have been carried out in accordance with the Agreement between the Government of the United States of America and the Federal Government of Austria, signed at Washington on June 6, 1950,² and amended by Exchange of Notes dated June 6, 1955,³ and Exchange of Notes dated January 9, and March 13, 1961,⁴ with funds made available by the United States of America, including currencies received from Austria in settlement of surplus property obligations;

Considering the mutual benefits derived from such programs and the desire of the two Governments to cooperate and assist further in the financing and administration of such programs for the further strengthening of international cooperation;

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Austrian-American Educational Commission (hereinafter designated "the Commission"), to replace the United States Educational Commission in Austria. The Commission shall be recognized by the Government of the United States of America and the

¹ Came into force on 25 June 1963, upon signature, in accordance with article 12.

² United Nations, *Treaty Series*, Vol. 92, p. 201.

³ United Nations, *Treaty Series*, Vol. 262, p. 468.

⁴ United Nations, *Treaty Series*, Vol. 435, p. 316.

Federal Government of Austria as a binational organization created and established to facilitate the administration of an educational and cultural program to be financed with funds made available to the Commission 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 and of Austria as they relate to the use and expenditure of currencies and credits for currencies and the acquisition and use of property for the purposes set forth in the present Agreement. With respect to the funds, and property which may be acquired with the funds in furtherance of these purposes, the Commission shall enjoy on the part of the Federal Government of Austria the exemptions and immunities accorded to a foreign government.

The funds made available under the present Agreement (including any accruals arising from investments or other use thereof as interest or otherwise), within the conditions and limitations hereinafter set forth, shall be used by the Commission for the purpose of :

- (1) financing studies, research, instruction and other educational activities
 - (i) of or for citizens and nationals of the United States of America in Austria, and
 - (ii) of or for citizens and nationals of Austria in United States schools and institutions of learning located in or outside the United States of America;
- (2) financing visits and interchanges between the United States of America and Austria of students, trainees, teachers, instructors, and professors; and
- (3) financing such other related educational and cultural programs and activities as are provided for in budgets approved in accordance with Article 3 hereof.

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 this Agreement including the following :

- (1) Plan, adopt, and carry out programs in accordance with the purposes of this agreement.

- (2) Recommend to the Board of Foreign Scholarships of the United States of America students, trainees, research scholars, teachers, instructors and professors, resident in Austria, and institutions of Austria, to participate in the program.
- (3) Approve and place students, trainees, research scholars, teachers, instructors and professors, resident in the United States of America, as presented by the Board of Foreign Scholarships to participate in the program.
- (4) Recommend to the 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 agreement.
- (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 Commission. The appointment of the Treasurer or such designee shall be approved by the Secretary of State and the Federal Government of Austria, and he shall deposit funds received in a depository or depositories approved by the Secretary of State and the Federal Government of Austria or, to the extent funds are not required for current activities, invest them in such securities as may be approved by the Secretary of State and the Federal Government of Austria.
- (6) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present agreement, including payment for transportation, tuition, maintenance and other expenses incident thereto.
- (7) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors approved by the Secretary of State and the Federal Government of Austria.
- (8) Engage an Executive Director or Officer and an administrative and clerical staff and fix and pay the salaries and wages thereof, and incur other administrative expenses as may be deemed necessary from funds made available under the agreement.

- (9) Acquire, hold and dispose of property in the name of the Commission as it shall deem necessary or desirable.
- (10) Administer or assist in administering or otherwise facilitate educational and cultural programs and activities that further the purposes of the present Agreement but are not financed by funds made available under this Agreement, provided, however, that such programs and activities and the Commission's role therein shall be fully described in annual or special reports made to the Secretary of State and the Federal Government of Austria as provided in Article 6 hereof, and provided that no objection is interposed by either the Secretary of State or the Federal Government of Austria to the Commission's actual or proposed role therein.

Article 3

All commitments, obligations and expenditures by the Commission shall be made pursuant to an annual budget approved by the Secretary of State and the Federal Government of Austria.

Article 4

The Commission shall consist of ten members, five of whom shall be citizens of the United States of America, and five of whom shall be citizens of Austria. In addition the principal officer in charge of the Diplomatic Mission of the United States of America to Austria (hereinafter designated "Chief of Mission") and a representative of the Federal Government of Austria at ministerial level shall be Honorary Chairmen of the Commission.

The Chief of Mission shall have the power to appoint and remove the citizens of the United States of America on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Austria. The Federal Government of Austria shall have the power to appoint and remove the citizens of Austria on the Commission.

The chairman with voting power shall be selected by the Commission from among its members.

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 Austria, or expiration of term 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 Commission is authorized to defray necessary expenses incurred by its members in attending meetings of the Commission and in performing other official duties assigned by the Commission.

Article 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.

Article 6

Reports acceptable in form and content shall be made annually on the activities of the Commission to the Secretary of State and the Federal Government of Austria. Special reports may be made more often at the discretion of the Commission or at the request of either the Secretary of State or the Federal Government of Austria.

Article 7

The principal office of the Commission shall be in the capital city of Austria, 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.

Article 8

Funds and property in the possession of the United States Educational Commission in Austria derived from sums made available to such commission by the Government of the United States of America pursuant to the Agreement of June 6, 1950, as amended, shall be available to the Commission to be used for the purposes of this Agreement.

Furthermore, the amounts mentioned in the notes exchanged in Vienna on March 10 and 28, 1961, in connection with the signing of the ERP Counterpart

Settlement Agreement¹ shall be at the disposal of the Commission for the purposes of this Agreement.

The Government of the United States of America and the Federal Government of Austria agree that there may also be used for the purposes of this agreement any other funds held or available for expenditure by either government for such purposes, and contributions to the Commission from any source.

All such funds and any accruals, as interest or otherwise, arising from investment or other use thereof shall be available for expenditure by the Commission for purposes of the present agreement, within the budgetary limits established pursuant to Article 3.

Article 9

The Government of the United States of America and the Federal Government of Austria shall make every effort to facilitate the 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" 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 11

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

Article 12

The present agreement supersedes the Agreement between the Government of the United States of America and the Federal Government of Austria signed at Washington on June 6, 1950, as amended.

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

¹ United Nations, Treaty Series, Vol. 459, p. 45.

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

DONE at Vienna, in duplicate, in the English and German languages, both of which texts are authentic, this 25th day of June, 1963.

For the Government
of the United States of America :
James W. RIDDLEBERGER

For the Federal Government
of Austria :
KREISKY