

No. 8221

**UNITED STATES OF AMERICA
and
URUGUAY**

**Exchange of notes constituting an agreement relating to
an educational commission and financing of exchange
programs. Montevideo, 22 March and 17 May 1965**

Official texts : English and Spanish.

Registered by the United States of America on 9 June 1966.

**ÉTATS-UNIS D'AMÉRIQUE
et
URUGUAY**

**Échange de notes constituant un accord relatif à la création
d'une commission de l'enseignement et au financement
de programmes d'échanges. Montevideo, 22 mars et
17 mai 1965**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 9 juin 1966.

No. 8221. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND URUGUAY RELATING TO AN EDUCATIONAL COMMISSION AND FINANCING OF EXCHANGE PROGRAMS. MONTEVIDEO, 22 MARCH AND 17 MAY 1965

I

The American Chargé d'Affaires ad interim to the Uruguayan Minister of Foreign Affairs

No. 434

Montevideo, March 22, 1965

Excellency :

I have the honor to refer to Agreements concerning the sale of United States agricultural commodities for Uruguayan pesos signed 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 Authority 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, 1959,² which provides 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. ”

Subsection (h) of Section 104 of Public Law 480, as amended, provides that an amount of the foreign currencies deriving from the sale of surplus agricultural commodities may be used to finance international educational exchange programs between the United States of America and other countries. The Secretary of State of the United States of America, in accordance with Public Law 256, 87th Congress, as amended, is authorized to enter into an executive agreement or agreements with other Governments for the use of currencies of any such government held or available for expenditure by the United States for the purpose of providing for the formation of foundations or otherwise for financing international educational exchange programs between the United States and that country.

¹ Came into force on 17 May 1965 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 ; Vol. 368, p. 372 ; Vol. 401, pp. 316 and 319, and Vol. 433, p. 372.

Consistent with this provision of Public Law 87-256, it would be appreciated if Your Excellency would be so kind as to acknowledge this note with a communication confirming that the Government of the United States of America may use Uruguayan pesos accruing to the United States of America available for this purpose in carrying out an international 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 256. It is assumed that any property which may be acquired with these funds in the clear and reasonable furtherance of this program of international 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 financing :

- a. Studies, research, instruction and other educational activities (i) of or for American citizens and nationals in Uruguay, and (ii) of or for citizens and nationals of Uruguay in American schools and institutions of learning ;
- b. Visits and interchanges between the United States of America and Uruguay of students, trainees, teachers, instructors, and professors ; and
- c. such other educational and cultural programs and activities as are provided for in budgets approved in accordance with section 4 of this note.

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, students, professors, research scholars, teachers, resident in Uruguay, and also institutions of Uruguay qualified to participate in the educational exchange program.
- 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 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.
- 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, including payment for transportation, tuition, maintenance and other expenses incident thereto.
- 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.

i. Administer or assist in administering or otherwise facilitate educational and cultural programs and activities that further the purposes of the present note but are not financed by funds made available under this note, 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 Government of Uruguay and to the Secretary of State as provided in Article 6 hereof, and provided that no objection is interposed by either the Government of Uruguay or the Secretary of State to the Commission's actual or proposed role therein.

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.

Special reports may be made more often at the discretion of the Commission or at the request of either the Government of Uruguay or the Secretary of State.

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 may make available to the Commission for purposes of this note currency of the Republic of Uruguay acquired pursuant to surplus agriculture commodities agreements between the two Governments, or from any other source, provided that such currencies are available to the Government of the United States for the purposes contemplated by subsection (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 Uruguay shall extend to residents of the United States of America engaged in educational activities in Uruguay under the auspices of the Commission such privileges with respect to exemption from taxation and other burdens affecting the entry, travel, residence and exit of such persons, as are extended to residents of Uruguay engaged in similar activities in the United States of America.

10. 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 program specified in this note and to resolve problems which may arise in the operations thereof.

11. 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.

12. The arrangements provided for in this note may be terminated by either party by written notice to the other of its desire to so terminate, and such termination shall become effective thirty days after the expiration of the first academic year in Uruguay which ends following the date of such notice. Upon termination, all funds and property of the Commission shall become the property of the Government of the United States of America subject to such conditions, limitations, and liabilities as may have been imposed thereon prior to the termination.

I have the honor to propose that this note and your reply concurring in the proposals herein shall constitute an understanding between our two Governments which shall enter into force on the date of your reply, thereupon terminating and replacing the notes exchanged by our two Governments effected on July 22, 1960. ¹

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

William T. BRIGGS
Chargé d'Affaires ad interim

His Excellency Luis J. Vidal Zaglio
Minister of Foreign Affairs

II

*The Uruguayan Minister of Foreign Affairs to the American Chargé d'Affaires
ad interim*

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION ² — TRADUCTION ³]

MINISTERIO DE RELACIONES
EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

Diplómaticos
170/65-B.47

DPL. 170/65-B.47

Montevideo, 17 de mayo de 1965

Montevideo, May 17, 1965

Señor Encargado de Negocios :

Mr. Chargé d'Affaires :

Tengo el agrado de acusar recibo de la nota de Vuestra Señoría No. 434 de fecha 22 de marzo último, relativa

I have the honor to acknowledge receipt of your note No. 434 of March 22 last regarding the agree-

¹ United Nations, *Treaty Series*, Vol. 388, p. 315.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des États-Unis d'Amérique.

a acuerdos referentes a la venta de productos agrícolas de los Estados Unidos en pesos uruguayos firmados por el Gobierno del Uruguay en cumplimiento con la Ley del Uruguay No. 12.509 del 10. de julio de 1958 y por el Gobierno de los Estados Unidos de América bajo autorización de la Ley Pública No. 480, enmendada.

Al mismo tiempo, tomé debido conocimiento de la comunicación de Vuestra Señoría que, de acuerdo con la Ley Pública 87-256 enmendada, el Secretario de Estado de los Estados Unidos de América « está autorizado a participar en un acuerdo o acuerdos ejecutivos con otros Gobiernos para utilización de los dineros de cualquiera de tales Gobiernos retenidos o prontos para gastar por los Estados Unidos con el propósito de proveer la formación de fundaciones o para financiar de alguna otra manera programas de intercambio educacional internacional entre los Estados Unidos y dicho país. »

El Gobierno de la República considera de interés la propuesta del Gobierno de los Estados Unidos de América de sustituir el acuerdo establecido por las notas reversales del 22 de julio de 1960 por uno nuevo resultante de la precitada comunicación de Vuestra Señoría del 22 de marzo último y la correspondiente respuesta de mi Gobierno.

Es por ello, que por intermedio de la presente, le confirmo a Vuestra Señoría que el Gobierno del Uruguay está de acuerdo que el Gobierno de los Estados Unidos de América pueda utilizar pesos uruguayos disponibles acumulables a los Estados Unidos de

ments relative to the sale, in Uruguayan pesos, of United States agricultural products signed by the Government of Uruguay pursuant to Uruguayan Law No. 12.509 of July 1, 1958 and by the Government of the United States of America under authorization of Public Law No. 480, as amended.

At the same time, I took due note of your communication to the effect that, in accordance with Public Law 87-256, as amended, the Secretary of State of the United States of America " is authorized to enter into an executive agreement or executive agreements with other governments to make use of funds of any of those governments that are being held or about to be spent by the United States for the purpose of providing for the establishment of foundations or to finance in any other way international educational exchange programs between the United States and the said country. "

The Government of the Republic is interested in the proposal of the Government of the United States of America to replace the agreement established by the exchange of notes of July 22, 1960 by a new note resulting from your aforementioned communication of March 22 last and my Government's reply thereto.

I hereby confirm to you that the Government of Uruguay is in agreement that the Government of the United States of America may use available Uruguayan pesos accruable to the United States of America for the purpose of carrying out an inter-

América con el fin de llevar a cabo un programa de intercambio educacional internacional entre los dos países, bajo las condiciones que están detalladas en las diversas secciones de la nota que contesto.

El Gobierno de la República ve con suma complacencia esta nueva intención del Gobierno de Vuestra Señoría que afianzará aún más las estrechas relaciones culturales que existen entre nuestros pueblos, ampliando los campos de aplicación y formas de colaboración de los acuerdos existentes.

Aprovecho esta grata oportunidad para reiterar a Vuestra Señoría las seguridades de mi mayor consideración.

Luis VIDAL ZAGLIO
Ministro de Relaciones Exteriores

Al señor William T. Briggs
Encargado de Negocios a.i.
de los Estados Unidos de América
Montevideo

national educational exchange program between the two countries under the conditions set forth in the various portions of the note to which I am replying.

The Government of the Republic views with great pleasure this new proposal of your Government which will further guarantee the close cultural relations that already exist between our peoples, broadening the scope of application and the methods of collaboration of the existing agreements.

I avail myself of this opportunity to renew to you the assurances of my high consideration.

Luis VIDAL ZAGLIO
Minister of Foreign Affairs

Mr. William T. Briggs
Chargé d'Affaires ad interim
of the United States of America
Montevideo