

No. 13063

---

**UNITED STATES OF AMERICA  
and  
NETHERLANDS**

**Agreement for the financing of certain education exchange  
programs. Signed at the Hague on 16 October 1972**

*Authentic text: English.*

*Registered by the United States of America on 12 February 1974.*

---

**ÉTATS-UNIS D'AMÉRIQUE  
et  
PAYS-BAS**

**Accord relatif au financement de programmes d'échanges  
éducatifs. Signé à La Haye le 16 octobre 1972**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 12 février 1974.*

## AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS FOR THE FINANCING OF CERTAIN EDUCATION EXCHANGE PROGRAMS

---

The Government of the United States of America and  
The Government of the Kingdom of the Netherlands;

Considering that programs to promote further mutual understanding between the peoples of the two States through educational contacts have been carried out in accordance with the Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands, signed at The Hague on May 17, 1949,<sup>2</sup> and amended by an exchange of notes dated June 22, 1966<sup>3</sup> (hereinafter referred to as “the Agreement of 1949 as amended”);

Considering that the administration of such programs has been facilitated by the United States Educational Foundation in the Netherlands, established by the Agreement of 1949 as amended;

Noting the mutual benefits derived from the said programs;

Desiring to continue and expand the programs for the further strengthening of international cooperative relations and to reconstitute for this purpose the above-mentioned Foundation;

Have agreed as follows:

*Article 1.* (1) 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.

(2) Wherever, in the present Agreement, the term “the Minister” is used, it shall be understood to mean the Netherlands Minister for Education and Sciences, acting in consultation with the Netherlands Minister for Foreign Affairs.

*Article 2.* (1) The United States Educational Foundation in the Netherlands, established by the Agreement of 1949 as amended, is hereby reestablished as the Netherlands America Commission for Educational Exchange (hereinafter referred to as NACEE) with the principal purpose of facilitating the administration of educational programs provided for in the present Agreement and to be financed with funds made available under the terms of the present Agreement.

(2) NACEE shall be governed by the provisions of the present Agreement.

---

<sup>1</sup> Came into force on 8 August 1973, the date of receipt by the Government of the United States of America of a written notification from the Government of the Netherlands stating that the constitutional requirements had been met, in accordance with article 15 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 46, p. 291.

<sup>3</sup> *Ibid.*, vol. 596, p. 518.

*Article 3.* (1) The office of NACEE shall be in the Netherlands at a location to be determined by the Board.

(2) NACEE shall have legal personality. In particular it shall have, under the terms of the present Agreement, the capacity to contract, acquire, hold and dispose of movable and immovable property and to institute legal proceedings.

(3) The Executive Officer of NACEE referred to in article 5, paragraph (2) (b) of the present Agreement shall be the legal representative of the Foundation as far as the Board has not designated another person to act in the name and on behalf of NACEE.

(4) Except as provided in article 10 of the present Agreement NACEE shall be exempt in the United States of America and in the Kingdom of the Netherlands from the application of domestic and local monetary laws as they relate to the use and expenditure of currencies and credits for currencies and the acquisition and use of property for the purposes of the present Agreement.

*Article 4.* The Funds made available under the present Agreement shall, within the conditions and limitations hereinafter set forth, be used by NACEE for the purpose of:

- (a) financing studies, research, instruction and other educational activities of or for nationals of the United States of America in the Kingdom of the Netherlands, and of or for nationals of the Kingdom of the Netherlands in United States schools and institutions of learning located in or outside the United States of America;
- (b) financing visits and interchanges between the United States of America and the Kingdom of the Netherlands of qualified persons, especially students, trainees, research scholars, teachers, instructors, and professors; and
- (c) financing such other related programs and activities as are provided for in budgets approved in accordance with article 10 hereof.

*Article 5.* (1) Honorary Chairmen of NACEE are the principal officer in charge of the Diplomatic Mission of the United States of America to the Kingdom of the Netherlands (hereinafter referred to as "the Chief of Mission") and the Minister.

(2) The organs of NACEE shall be:

- (a) the Board;
- (b) the Executive Officer.

*Article 6.* (1) The Board shall consist of twelve members, six of whom shall be nationals of the United States of America, and six of whom shall be nationals of the Kingdom of the Netherlands.

(2) The appointment and removal of nationals of the United States of America as members of the Board shall be made by the Chief of Mission. The appointment and removal of nationals of the Kingdom of the Netherlands as members of the Board shall be made by the Minister.

(3) The members shall serve from the time of their appointment until

December 31 of the following year and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the Netherlands, expiration of term of service, or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

(4) The members shall serve without compensation, but the Board is authorized to defray necessary expenses incurred by its members in attending its meetings and in performing other official duties assigned by it.

(5) The Board shall elect from among its members a Chairman and a Vice-Chairman, as well as—with the approval of the Secretary of State and the Minister—a Treasurer and an alternate Treasurer.

(6) Seven of the members, including not less than three of each nationality, shall constitute a quorum.

(7) Having due regard to paragraph 6 above, all decisions of the Board shall require an affirmative vote of the majority of the members present and voting.

(8) All members of the Board, including the Chairman and the Vice-Chairman, the Treasurer and the alternate Treasurer, shall have the right to vote.

(9) Meetings of the Board and any of its committees referred to in article 7(i) of the present Agreement shall be held in such places as the Board may determine.

(10) The Honorary Chairmen of NACEE shall have the right to attend any meeting of the Board or any of its committees referred to in article 7(i) of the present Agreement in a consultative capacity.

*Article 7.* The Board is authorized, subject to the provisions of the present Agreement, to exercise all powers necessary to the carrying out of the purpose of NACEE and shall in particular:

- (a) plan, adopt, and carry out programs;
- (b) designate—in cooperation with the Board of Foreign Scholarships of the United States of America and any similar organ that may be set up in the Kingdom of the Netherlands—persons referred to in article 4(b) of this Agreement and who are nationals of or resident in the United States of America or the Kingdom of the Netherlands, to participate in the programs;
- (c) determine—in cooperation with the Board of Foreign Scholarships of the United States of America and any similar organ that may be set up in the Kingdom of the Netherlands—such qualifications for the selection of participants in the programs as it may deem necessary;
- (d) authorize the Executive Officer, in cooperation with the Treasurer or alternate Treasurer, whose appointments shall be subject to the approval of the Secretary of State and the Minister, to receive funds to be deposited in bank accounts in the name of NACEE in a depository or depositories approved by the Secretary of State and the Minister;
- (e) authorize the disbursement of funds and the making of grants and advances of funds, including payment for transportation, tuition, maintenance and other expenses incident thereto;
- (f) provide for periodic audits of the accounts of NACEE by auditors approved by

the Secretary of State and the Minister;

- (g) authorize the Executive Officer, in cooperation with the Treasurer or the alternate Treasurer, to acquire, hold and dispose of property in the name of NACEE, provided, however, that the acquisition and disposal of any immovable property shall be subject to the prior approval of the Secretary of State and the Minister;
- (h) administer or assist in administering or otherwise facilitate 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 NACEE's role therein shall be fully described in annual and special reports made to the Secretary of State and the Minister as provided in Article 9 hereof, and provided that no objection is interposed by either the Secretary of State or the Minister to NACEE's actual or proposed role therein;
- (i) adopt such by-laws not inconsistent with the provisions of the present Agreement, and appoint such committees as it shall deem necessary;
- (j) appoint an Executive Officer and other administrative and clerical staff, determine the terms of office thereof, and incur necessary administrative expenses.

*Article 8.* The Executive Officer shall be responsible for the direction and supervision of NACEE's programs and activities in accordance with the Board's decisions and directives. The Executive Officer shall attend the meetings of the Board without the right to vote.

*Article 9.* Reports acceptable in form and content shall be made annually on the activities of NACEE to the Secretary of State and the Minister. Special reports may be made more often at the discretion of the Board or at the request of either the Secretary of State or the Minister.

*Article 10.* All commitments, obligations and expenditures by NACEE shall be made pursuant to an annual budget approved by the Secretary of State and the Minister, subject to such regulations as they may prescribe.

*Article 11.* (1) Funds and property of the United States Educational Foundation in the Netherlands, established by the Agreement of 1949 as amended, shall become the property of NACEE to be used for the purposes of the present Agreement.

(2) The Government of the United States of America and the Government of the Kingdom of the Netherlands agree that there may be used also for the purposes of this Agreement any funds held or available for expenditure by either Government for such purposes, and contributions to NACEE from any other sources not specified in the present article.

(3) The Secretary of State proposes to place at the disposal of NACEE for the purposes of the present Agreement a sum in United States dollars and/or Dutch guilders equivalent to fifty percent of the approved annual budget. The performance of this commitment shall be subject to the availability of appropriations to the Secretary of State when required by the legislation in force in the United States of America.

(4) The Minister proposes to place at the disposal of NACEE for the purposes of the present Agreement a sum in Dutch guilders and/or United States dollars equivalent to fifty percent of the approved annual budget. The performance of this commitment shall be subject to the availability of appropriations to the Minister when required by the legislation in force in the Kingdom of the Netherlands.

(5) All such funds and any accruals, as interest or otherwise, arising from investments or other use thereof shall be available for expenditure by NACEE for the purposes of this Agreement, within the budgetary limits established pursuant to article 10 hereof.

*Article 12.* The Government of the United States of America and the Government of the Kingdom of the Netherlands shall make every effort to facilitate the programs authorized in this Agreement and to resolve problems which may arise in the operation thereof.

*Article 13.* Upon termination of this Agreement, all funds and property of NACEE shall become the property of the Government of the United States of America and the Government of the Kingdom of the Netherlands, subject to such conditions, limitations and liabilities as may have been imposed thereon prior to termination. Such funds and property shall be divided between the two Governments in proportion to their respective contributions to NACEE during the period of this Agreement. In determining the respective contributions, any funds and property to which NACEE succeeds pursuant to article 11, paragraph (1), shall also be divided between the two Governments in proportion to their respective contributions.

*Article 14.* By the entry into force of the present Agreement, the Agreement of 1949 as amended is terminated and superseded.

*Article 15.* (1) The present Agreement shall enter into force on the date of receipt by the Government of the United States of America of a written notification from the Government of the Kingdom of the Netherlands stating that the constitutional requirements for the entry into force of the Agreement have been met.

(2) The Agreement may be terminated by either Party through written notice to that effect to the other, which notice shall become effective thirty days after the expiration of the first academic year in the Netherlands which opens following the date of such notice.

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

DONE at The Hague, this 16th day of October 1972.

For the Government of the United States of America:  
J. WILLIAM MIDDENDORF II

For the Government of the Kingdom of the Netherlands:  
N. SCHMELZER