

No. 30242

**IRELAND
and
UNITED STATES OF AMERICA**

**Agreement for a programme of educational exchange. Signed
at Dublin on 27 October 1988**

Authentic text: English.

Registered by Ireland on 7 September 1993.

**IRLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à un programme d'échanges éducatifs. Signé à
Dublin le 27 octobre 1988**

Texte authentique : anglais.

Enregistré par l'Irlande le 7 septembre 1993.

AN AGREEMENT¹ FOR A PROGRAMME OF EDUCATIONAL EXCHANGE BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The Government of Ireland and the Government of the United States of America, desiring to continue the shared objectives of the Agreement of 16 March, 1957² between the two countries, and to expand programmes that promote mutual understanding between the people of Ireland and the United States of America through a wide exchange of knowledge and professional talents, have agreed as follows:

ARTICLE 1

A. There shall be established a commission to be known as The Ireland-United States Commission for Educational Exchange (hereinafter referred to as "the Commission") to replace An Bord Scoláireachtaí Comalairte (hereinafter referred to as "the Scholarship Exchange Board") established pursuant to the Agreement between the Governments of Ireland and the United States of America of March 16, 1957.² The Commission shall be established to facilitate the administration of educational and cultural exchanges between Ireland and the United States of America. The Commission shall be recognised by the Revenue Commissioners of Ireland as an organisation established for charitable purposes only, within the meaning of Section 333 of the Irish Income Tax Act, 1967.

B. The Commission shall enjoy autonomy of management and administration subject to the provisions of the present Agreement.

¹ Came into force on 3 February 1992, the date agreed in an exchange of notes dated 14 and 28 January 1992 by which the Parties notified each other of their approval, in accordance with article 11 (A).

² United Nations, *Treaty Series*, vol. 304, p. 374.

C. As an organisation established for charitable purposes, the Commission will be exempt from income tax and capital gains tax in relation to income and/or gains applied for charitable purposes. Transfers and leases of land made for charitable purposes will be exempt from stamp duty. Inheritances applied for public or charitable purposes shall be exempt from inheritance tax.

The Commission shall be entitled to import free of duty necessary equipment for official use.

D. The funds which shall be made available under the present Agreement, 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 of, or for the benefit of citizens and nationals of Ireland in the United States of America; and of, or for the benefit of citizens and nationals of the United States of America in Ireland;
- (2) financing visits and exchanges between Ireland, on the one hand, and the United States of America, on the other hand, of students, research scholars and teachers; and
- (3) financing such other related educational and cultural programmes and activities as may be provided for in budgets approved in accordance with Article 6 hereof.

ARTICLE 2

A. The Commission shall consist of eight (8) members, four (4) of whom shall be citizens of Ireland and four (4) of whom shall be citizens of the United States of America.

A minimum of two (2) of the citizens of the United States of America shall be officers of the United States Foreign Service establishment in Ireland. The Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland shall appoint the American members and may terminate their appointments. The Irish members shall be appointed and may be removed by the Minister for Foreign Affairs of Ireland (hereinafter referred to in this Agreement as "the Minister").

B. The term of service of a member of the Commission shall be two (2) years from the date of his appointment. A member of the Commission shall be eligible for reappointment for three (3) further terms of two (2) years. Vacancies by reason of resignation, expiration of term of service or otherwise shall be filled in accordance with the appointment procedure set forth in this Article. Any vacancy which occurs before the end of a two year period shall be filled for the balance of the term remaining.

C. The members of the Commission shall serve without remuneration but the Commission shall pay for travel, meals and lodging, necessitated by official Commission duties.

D. The person most recently Chairman of the Scholarship Exchange Board shall serve as the first Chairman of the Commission for a term of two years. At its first meeting, the Commission shall elect from amongst its members a Deputy Chairman, a Treasurer and an Assistant Treasurer.

The terms of office of a Chairman, Deputy Chairman, Treasurer and Assistant Treasurer shall be two years from the time of their election provided that they remain members of the Commission for so long. Every member of the Commission, including the Chairman, Deputy Chairman, Treasurer and Assistant Treasurer, shall have the right to vote. Decisions of the Commission shall be taken by majority vote. In the event of a tied vote the Chairman shall cast the deciding vote.

E. Thereafter, at the first meeting of the Commission following upon the expiry of the terms of office of the Chairman, Deputy Chairman, Treasurer and the Assistant Treasurer, the Commission shall elect the officers of the Commission. The outgoing Chairman of the Commission shall take the chair at the first meeting of the Commission until a new Chairman has been elected. In the event of re-election, the tenure of a Chairman, a Deputy Chairman, a Treasurer and an Assistant Treasurer shall not exceed three (3) consecutive terms.

F. In the event of the death, resignation or removal from office of a Chairman, Deputy Chairman, Treasurer or Assistant Treasurer, at its first meeting thereafter, the Commission shall elect from amongst its members a new Chairman, Deputy Chairman, Treasurer or Assistant Treasurer to serve for the unexpired period of the relevant officer's term of office.

G. During the absence of the Chairman of the Commission from any meeting of the Commission or if when any meeting of the Commission is held there is no Chairman of the Commission, the Deputy Chairman shall exercise all the functions of the Chairman provided for in this Agreement.

H. During the absence of both the Chairman and the Deputy Chairman of the Commission from any meeting of the Commission or if when any meeting of the Commission is held there is no Chairman or Deputy Chairman of the Commission the members of the Commission present shall elect one of themselves to be Chairman of the meeting for the time being and, where at such election there is an equality of votes for two or more persons, it shall be determined by lot which of them shall be Chairman of the meeting for the time being. A Chairman of the meeting for the time being shall exercise all the functions of the Chairman provided for in this Agreement.

ARTICLE 3

The Commission shall draw up and may amend such rules of procedure consistent with the provisions of this Agreement and appoint

such committees (executive, administrative) as it shall deem necessary to carry out the responsibilities entrusted to it by the present Agreement. Any rules so drawn up and any amendments thereto shall be approved by the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland.

ARTICLE 4

The principal office of the Commission shall be in Dublin but meetings of the Commission and any of its committees may be held in such places as the Commission may from time to time determine. 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 5

Subject to the provisions of the present Agreement, the Commission may exercise all powers necessary to carry out the purposes of this Agreement, including the following:

A. Plan, adopt, and carry out programmes in accordance with the purposes of this Agreement.

B. Recommend to the Board of Foreign Scholarships of the United States of America the candidacies of students, research scholars, and teachers to participate in the programmes envisaged by this Agreement. The Board of Foreign Scholarships will identify appropriate agencies to arrange placement.

C. Approve, in co-operation with the Board of Foreign Scholarships, the candidacies, and, as appropriate, arrange for the placement in Irish institutions of learning, of students, research scholars and teachers, citizens and nationals of the

United States of America, as presented by the aforesaid Board to participate in the programmes envisaged by this Agreement.

D. Recommend to the aforesaid Board such qualifications for the selection of potential participants in the programmes as the Commission may deem necessary for achieving the Commission's purposes and objectives.

E. Engage with the approval of the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland an Executive Director and other administrative and clerical staff; determine the terms and conditions of employment and the remuneration of the Executive Director and other staff; pay their salaries (which shall be reviewed periodically); and incur other administrative expenses.

F. Authorise the Treasurer, or other person which the Commission designates for this purpose, to keep the funds of the Commission in cash or on current account or on deposit with the Central Bank of Ireland or with a bank or other financial institutions as may be designated in Irish legislation, and to invest such funds as are not immediately required for the purposes of this Agreement in any securities in which trustees are for the time being empowered by law to invest trust funds; subject to the condition that any bank account in Ireland shall be in the name of the Commission and that the appointment of the Treasurer or such other person shall be approved by the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland.

G. Authorise the Treasurer, or other person designated by the Commission for this purpose, to operate a bank account or accounts in the United States of America, in the name of the Commission and as required for the purposes of the Commission, subject to the consent of the Minister for Finance of Ireland and to Irish exchange control requirements.

H. Authorise the Treasurer, or other person designated by the Commission for this purpose, to disburse funds and make grants and advances of funds for the authorised purposes of the Commission, including payment of transportation, tuition, maintenance and related expenses.

I. Provide for periodic audits of the accounts of the Commission by auditors approved by the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland.

J. Acquire and dispose of property in the name of the Commission, provided, however, that the acquisition or disposal of any real property or leasehold property shall be subject to the prior approval of the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland.

K. Administer or assist in administering or otherwise facilitate educational and cultural activities that further the purposes of the present Agreement but are not financed by the Commission with funds made available by the Governments under this Agreement, provided, however, that any programmes and activities so proposed and the Commission's proposed role therein shall be fully described in reports made to the Government of Ireland and the Government of the United States of America and provided that no objection is interposed by either of them to the Commission's actual or proposed role therein.

ARTICLE 6

All obligations, commitments and expenditure authorised by this Agreement shall be made in accordance with budgets approved by the Minister and by the Government of the United States of America.

ARTICLE 7

A. The Scholarship Exchange Fund established pursuant to the Agreement of 16 March, 1957 shall be wound up, and the Scholarship Exchange Board established pursuant to the same Agreement shall become dissolved. The balances remaining in the Scholarship Exchange Fund shall be transferred into a new fund to be known as the Ireland-United States Educational Fund under the control of the Minister for Finance of Ireland. All lawful debts and liabilities, whether arising prior or subsequent to the winding up of the Scholarship Exchange Fund and the dissolution of the Scholarship Exchange Board, and which the Scholarship Exchange Board would be legally bound to discharge if it were in existence, shall be discharged by the Commission and shall be paid out of the funds of the Ireland-United States Educational Fund.

B. The monies standing to the credit of the Ireland-United States Educational Fund shall be invested by the Minister for Finance of Ireland, with the consent of the Minister for Foreign Affairs. The income deriving from the Ireland-United States Educational Fund shall be made available to the Commission.

C. The Government of the United States proposes to make available to the Commission a sum of money in U.S. dollars that will be announced yearly.

D. The Government of Ireland proposes to make available to the Commission each year a sum of money not less than one quarter of the direct United States allocation. The Irish contribution to the Commission shall consist of the income deriving from the Ireland-United States Educational Fund which will be established pursuant to this Agreement in addition to appropriated funds when necessary for the purposes of this provision.

At the end of each year the ratio of the Irish to the U.S. contributions in that year will be calculated using the average Irish pounds/U.S. dollars exchange rate for the year as published by the Central Bank of Ireland. If the calculation shows that the Irish contribution exceeded or fell short of one quarter of the U.S. contribution, the Irish contribution for the following year shall be adjusted accordingly provided that as long as the Irish contribution comes entirely from the Ireland-United States Educational Fund no downward adjustment shall be made.

The ratio of Irish to American Government contributions shall be subject to periodic review by the Government of Ireland and the Government of the United States of America.

E. The performance of the obligations in paragraph C of this Article by the Government of the United States of America shall be subject to the availability of appropriations to the United States Information Agency in accordance with the laws of the United States.

F. The performance of the obligations in paragraph D of this Article by the Government of Ireland shall be subject to the availability of funds to the Government of Ireland in accordance with the laws of Ireland.

G. The Commission may accept and use, in accordance with the terms of this Agreement, such other funds, goods or services as may be made available to the Commission by contribution from any source public or private.

ARTICLE 8

A. Reports of the activities of the Commission shall be made annually by the Commission to the Minister and the Ambassador or officer in charge of the diplomatic mission of the United States of America in Ireland; at the request of either of

these or at the discretion of the Commission other reports may be made at any time.

B. An abstract of the audited accounts for each year together with the report of the auditor on the accounts shall be sent by the Commission as soon as may be to the Government of the United States of America and to the Government of Ireland which shall cause a copy of such abstract and report to be laid before each House of the Oireachtas.

ARTICLE 9

The Governments may consult to determine means of overcoming any obstacle that might hinder the effective accomplishment of the programmes and activities provided for in the present Agreement, or with a view to modifying, by common consent, the provisions of the present Agreement.

ARTICLE 10

The present Agreement may be terminated by either party by written notice to the other of its desire to terminate the Agreement. Such termination shall become effective on the last day of July after the expiration of the next academic year in Ireland following the date of such notice. Upon termination of the Agreement, all funds and property of the Commission shall become the property of the Government of Ireland and the Government of the United States of America, subject to such conditions, limitations and liabilities as may have been imposed thereon prior to termination and shall be divided between them in proportion to their respective contributions to the Commission during the period of this Agreement. In determining the respective contributions any monies to which the Commission succeeds pursuant to paragraph B of Article 7 of the present Agreement shall be regarded as contributed by the

Government of Ireland and any monies standing to the credit of the Ireland-United States Educational Fund and invested by the Minister for Finance of Ireland pursuant to paragraph B of Article 7 shall become the property of the Government of Ireland.

ARTICLE 11

A. The present Agreement shall enter into force on the date on which both Governments exchange notes through diplomatic channels notifying each other of their approval of the Agreement, and shall continue in effect unless terminated pursuant to Article 10.

B. The Agreement between Ireland and the United States of America signed at Dublin, on 16 March, 1957 shall be terminated on the date the present Agreement enters into force.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at Dublin, in duplicate, this

⁰
27th day of October, 1988,

each text being equally authentic.

For the Government of Ireland:

For the Government
of the United States of America:

*Brian Lenihan*¹

*Margaret M. O'Shaughnessy Heckler*²

¹ Brian Lenihan.

² Margaret Heckler.