

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

Agreement and exchange of notes signed at London September 22, 1948
Entered into force September 22, 1948
*Amended by agreement of February 25 and March 5, 1949*¹
*Supplemented by agreements of January 20, 1950;*² *October 22, 1952;*³
*June 15, 1954;*⁴ *May 23, 1955;*⁵ *and September 22, 1958*⁶
*Terminated by agreement of May 10, 1965*⁷

62 Stat. 3577; Treaties and Other
International Acts Series 1870

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE TERMS OF THE JOINT STATEMENT REGARDING SETTLEMENT FOR LEND-LEASE, RECIPROCAL AID, SURPLUS WAR PROPERTY AND CLAIMS MADE BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND OF 6TH DECEMBER 1945

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to promote further mutual understanding between the peoples of the United States and of the United Kingdom and the Colonial Dependencies by a wider exchange of knowledge and professional talents;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress,⁸ provides that the Secretary of State of the United States may enter into an agreement for certain educational activities with any foreign government for the use

¹ TIAS 1916, *post*, p. 931.

² 1 UST 279; TIAS 2051.

³ 3 UST 5156; TIAS 2709.

⁴ 5 UST 1355; TIAS 3002.

⁵ 6 UST 2075; TIAS 3276.

⁶ 9 UST 1263; TIAS 4114.

⁷ 16 UST 758; TIAS 5806.

⁸ 60 Stat. 754.

of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals; and

Considering that paragraph 6 of the Joint Statement Regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by the Government of the United States and the Government of the United Kingdom on 6th December, 1945⁹ (hereinafter designated "the Joint Statement"), provides for acquisition by the Government of the United States from the Government of the United Kingdom of a sum in pounds sterling to an aggregate dollar value not in excess of \$50,000,000 for the purpose, *inter alia*, of carrying out educational programmes in accordance with agreements to be concluded between the two Governments;

Having accordingly agreed as follows:

ARTICLE 1

(a) There shall be established a joint Commission to be known as the United States Educational Commission in the United Kingdom (hereinafter designated "the Commission"), which shall be recognised by the Government of the United States and the Government of the United Kingdom as an organisation created and established to facilitate the administration of the educational programme to be financed by funds made available by the Government of the United Kingdom in accordance with the terms of the present Agreement.

(b) Except as provided in Article 5 hereof, the Commission in the exercise of its powers under the present Agreement shall be exempt from the domestic and local laws of the United States so far as they relate to the use and expenditure of currencies and credits for currencies.

ARTICLE 2

(a) Pursuant to the provisions of paragraph 6 of the Joint Statement, the Government of the United Kingdom, within 30 days from the date of signature of the present Agreement, shall make funds available for the purposes of the present Agreement by deposit in the United Kingdom in the name of the Treasurer of the United States a sum in pounds sterling equivalent to the sum of \$1,000,000 in United States currency.¹⁰

(b) The rate of exchange to be used in determining the sum in pounds sterling to be so deposited shall be the rate which, on the day of deposit, is available to the Government of the United States for its diplomatic and other similar official expenditures in the United Kingdom.

(c) The funds made available by the Government of the United Kingdom under paragraph (a) of this Article (hereinafter designated "the funds") shall be placed at the disposal of the Commission as required for the pur-

⁹ TIAS 1509, *ante*, p. 700.

¹⁰ For an understanding relating to art. 2, para. (a), see exchange of notes, p. 910.

poses of the present Agreement by deposit in the United Kingdom in the name of the Treasurer of the Commission, or of such other employee of the Commission as it shall designate, in accounts with one or more banks to be selected by the Secretary of State of the United States.

(d) The funds shall be regarded in the United Kingdom as the property of a foreign government.

ARTICLE 3

Subject to the provisions of the present Agreement, the funds shall be used by the Commission for the purposes of—

(a) financing studies, research, instruction, and other educational activities of or for citizens of the United States in schools and institutions of higher learning located in the United Kingdom or the Colonial Dependencies or of the citizens of the United Kingdom and Colonies in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incidental to scholastic activities; or

(b) furnishing transportation for citizens of the United Kingdom and Colonies who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and whose attendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions;

provided, however, that as regards expenditure on travel or education abroad the transfer of funds by the Commission shall be subject to the foreign exchange regulations in force from time to time in the United Kingdom or to such special conditions as may be agreed between the Commission and the United Kingdom authorities.

The attendance of citizens of the United States at schools and institutions of higher learning located in the United Kingdom or the Colonial Dependencies shall not deprive citizens of the United Kingdom and Colonies of an opportunity to attend such schools and institutions.

ARTICLE 4

The Commission may exercise all powers necessary for carrying out the above-mentioned purposes, including the following:

(a) Subject to the provisions of Articles 5 and 6, authorise the disbursement of the funds and the making of grants and advances therefrom.

(b) Plan, adopt, and carry out programmes.

(c) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944 as amended, students, teachers, professors, research scholars, resident in the United Kingdom or the Colonial

Dependencies, and institutions of the United Kingdom or the Colonial Dependencies qualified in the opinion of the Commission to participate in the programmes in accordance with the aforesaid Act.

(d) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programmes as it may deem necessary.

(e) Provide for periodic audits of the accounts of the Commission as directed by auditors selected by the Secretary of State of the United States.

(f) Engage an Executive Officer, administrative and clerical staff and fix and authorize the payment of salaries and wages thereof out of the funds.

ARTICLE 5.

All expenditures authorized by the Commission shall be made in accordance with budgets to be approved by the Secretary of State of the United States pursuant to such regulations as he may prescribe.

ARTICLE 6

The Commission shall not authorize any commitments or create any obligation in excess of the part of the funds actually placed at its disposal at the time of the authorization.

ARTICLE 7¹¹

(a) The Commission shall consist of twelve members, seven of whom shall be citizens of the United States, five of whom shall be citizens of the United Kingdom and Colonies.

(b) Of the citizens of the United States a minimum of three shall be officers of the United States Foreign Service establishment in the United Kingdom.

(c) The principal officer in charge of the Diplomatic Mission of the United States to the United Kingdom (hereinafter designated the "Chief of Mission") shall be Honorary Chairman of the Commission.

ARTICLE 8¹¹

(a) The Chief of Mission shall have the power of appointment and removal of the United States citizens on the Commission.

(b) The members of the Commission who are citizens of the United Kingdom and Colonies shall be nominated by the Chief of Mission from a list of names submitted to him by the Government of the United Kingdom, and shall be appointed by the Secretary of State for Foreign Affairs of the United Kingdom.

(c) The members of the Commission shall serve from the time of their

¹¹ For amendments to arts. 7 and 8, see agreement of Feb. 25 and Mar. 5, 1949 (TIAS 1916), *post*, p. 931.

appointment until one year from the following 31st December and shall be eligible for reappointment.

(d) Vacancies by reason of resignations, transfers or permanent residence outside of the United Kingdom or the Colonial Dependencies, expiration of terms of service, or otherwise, shall be filled in accordance with the procedure provided in paragraphs (a) and (b) of this Article.

ARTICLE 9

The members of the Commission shall serve without compensation, but the Commission may authorize the payment of necessary expenses of members in attending meetings of the Commission.

ARTICLE 10

The Commission shall adopt such rules and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission. All rules adopted by the Commission shall become effective upon approval by the Secretary of State of the United States and the Secretary of State for Foreign Affairs of the United Kingdom.

ARTICLE 11

Reports acceptable in form and content to the Secretary of State of the United States and to the Secretary of State for Foreign Affairs of the United Kingdom shall be made annually on the activities of the Commission to the Secretary of State of the United States and the Government of the United Kingdom.

ARTICLE 12

The principal office of the Commission shall be in London; but the 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 officers or staff of the Commission may be carried on at such places as may be approved by the Commission.

ARTICLE 13

The Executive Officer shall be responsible for the direction and supervision of the programmes and activities of the Commission in accordance with the resolutions and directives of the Commission.

ARTICLE 14

In the present Agreement:

(a) The term "Secretary of State of the United States," wherever used, 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 designated by him to act in his behalf;

(b) The term "United Kingdom" shall mean the United Kingdom of Great Britain and Northern Ireland, and the term "Colonial Dependencies" shall mean the territories to which the present Agreement may have been extended under Article 17; and

(c) The term "citizens of the United Kingdom and Colonies" shall mean (i) citizens of the United Kingdom and Colonies as defined in legislation in force in the United Kingdom from time to time, and (ii) other persons belonging to the Colonial Dependencies.

ARTICLE 15

The present Agreement shall be reviewed by representatives of the contracting Governments before 31st December, 1951; and may be amended at any time by exchange of notes between the contracting Governments.

ARTICLE 16

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

ARTICLE 17

(a) The Government of the United Kingdom may at the time of signature or at any time thereafter by notification given to the Government of the United States declare that the present Agreement shall extend to any of the territories for whose international relations it is responsible, and the Agreement shall, from the date of receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(b) The Government of the United Kingdom at any time may by notification given to the Government of the United States declare that the Agreement shall cease to extend to any territory named in the notification, and the Agreement shall from the date of receipt of the notification, or from such other date as may be specified therein, cease to extend to such territory.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at London in duplicate, this 22nd day of September, 1948.

For the Government of the United States of America:
DON C. BLISS

For the Government of the United Kingdom of Great
Britain and Northern Ireland:
ERNEST BEVIN

EXCHANGE OF NOTES

The American Chargé d'Affaires to the Secretary of State for Foreign Affairs

September 22, 1948

London

SIR,

I have the honor to propose that, notwithstanding Paragraph (A) [a] of Article 2 of the Agreement signed this day between our two governments providing for the establishment of the United States Educational Commission in the United Kingdom in pursuance of certain of the provisions of Paragraph 6 of the Joint Statement regarding settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by our two governments on the 6th. December, 1945, deposit of the total sum in sterling mentioned in that paragraph shall be made by the government of the United Kingdom of Great Britain and Northern Ireland in such amounts and at such times during the currency of the Agreement as the Government of the United States may request.

If the government of the United Kingdom are prepared to accept this proposal, I have the honor to suggest that the present note and your reply shall be regarded as placing their acceptance on record.

I have the honor to be, Sir,

Your most obedient servant,

DON C. BLISS,
Chargé d'Affaires

The Rt. Hon. ERNEST BEVIN, M. P.,
H. M. Secretary of State for Foreign Affairs,
Foreign Office,
London.

The Secretary of State for Foreign Affairs to the American Chargé d'Affaires

FOREIGN OFFICE

S. W. 1.

22nd September, 1948

SIR,

In your note of today's date you proposed that, notwithstanding paragraph (a) of Article 2 of the Agreement signed this day between our two Governments providing for the establishment of the United States Educational Commission in the United Kingdom in pursuance of certain of the provisions of paragraph 6 of the Joint Statement regarding Settlement for Lend-Lease, Reciprocal Aid, Surplus War Property and Claims made by

our two Governments on the 6th December, 1945, deposit of the total sum in sterling mentioned in that paragraph shall be made by the Government of the United Kingdom of Great Britain and Northern Ireland in such amounts and at such times during the currency of the Agreement as the Government of the United States may request.

2. In reply I have the honour to state that the Government of the United Kingdom accept this proposal, and agree to regard your note and this reply as placing their acceptance on record.

I have the honour to be, with high consideration, Sir,
Your obedient Servant,

ERNEST BEVIN

Mr. DON C. BLISS, Jr.
etc., etc., etc.,
1 Grosvenor Square,
W. 1.