

No. 50882

**United States of America
and
Canada**

Agreement between the Government of the United States of America and the Government of Canada for the establishment of a binational educational exchange foundation. Washington, 15 November 1999

Entry into force: *15 November 1999 by signature, in accordance with article 9*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

**États-Unis d'Amérique
et
Canada**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada portant création d'une fondation binationale pour les échanges dans le domaine de l'éducation. Washington, 15 novembre 1999

Entrée en vigueur : *15 novembre 1999 par signature, conformément à l'article 9*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF CANADA
FOR THE ESTABLISHMENT OF A BINATIONAL
EDUCATIONAL EXCHANGE FOUNDATION

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF CANADA,**

RECOGNIZING that a large number and variety of educational exchanges and visits are already carried out between the two countries;

DESIRING to continue these exchanges and visits as well as to develop a specific program whose principal objective is to encourage further mutual understanding between the peoples of the United States of America and of Canada through educational exchanges; and

CONSIDERING the mutual benefit derived from such programs and the desire of the two Governments to encourage additionally the financing and operating of such programs for the further strengthening of cooperative relations between the two countries;

HAVE agreed as follows:

ARTICLE 1

Purpose

1. The purpose of this Agreement is to increase understanding between Canada and the United States of America by providing opportunities for educational exchanges between Canadian and American post-doctoral scholars as well as graduate students.
2. For that purpose, a Foundation is established with juridical personality under Canadian law, known as the Foundation for Educational Exchange between Canada and the United States of America (hereinafter referred to as "the Foundation"). It shall be financed by funds contributed by the two Governments and by funds received from private sources in the two countries.
3. The Foundation shall enjoy autonomy of management and administration, subject to the provisions of this Agreement.
4. The Foundation, its assets and income shall be exempt from taxes to the extent provided by the Internal Revenue Code of the United States ("the Code") and the U.S.-Canada Income Tax Convention ("the Convention"). Contributions to the Foundation shall be deductible to the extent provided in the Code and the Convention.

ARTICLE 2

Scope of Activities

The Foundation shall, for the purpose of this Agreement:

- a) plan, adopt and carry out educational exchange programs in the fields related to American studies in Canada, Canadian studies in the United States, or the relationship between the two countries;

- b) develop a comprehensive proposal for Foundation programs each fiscal year, detailing their scope for the following year, the academic areas of concentration, types of grants, and similar general guidelines;
- c) authorize the making of grants and the disbursement and the advancement of funds necessary for the carrying out of programs;
- d) conduct an active fund-raising program, through the Executive Director and members of the Board, with the aim of providing not only on-going operating funds but also an endowment, the income from which would be devoted to the support of the purposes described in paragraph a) of this Article. The members of the Board shall abide by the laws of the two Governments with regard to their participation in the solicitation and acceptance of donations;
- e) acquire, hold and dispose of property in the name of the Foundation as its Board may consider necessary or desirable, provided, however, that the acquisition and disposal of any real property shall be subject to the prior approval of the two Governments;
- f) administer or assist in administering or otherwise facilitate the implementation of educational exchange programs that contribute to achieving the purposes of this Agreement but are not financed by funds made available under the Agreement, provided that no objection is interposed by either Government to the Foundation's role therein. Such programs and the Foundation's role therein shall be fully described in the annual or special reports referred to in Article VII, paragraph 1; and
- g) prepare all documents in English and in French.

ARTICLE 3

Implementation - Canada

The Foundation shall, for the purpose of this Agreement:

- a) prepare each year an announcement of and application instructions for a national public competition in Canada, setting forth the details of the program for a particular year, including procedures for the distribution and submission of applications to the Foundation for consideration by its Board and/or review bodies which it may designate; and
- b) transmit to the appropriate universities and other institutions of higher learning in Canada the nominations of candidates who are citizens or nationals of the United States of America for studies, research, instruction and other educational activities in Canada; these nominations shall be made on the basis of a national, public competition in the United States organized by agencies authorized for this purpose.

ARTICLE 4

Implementation - the United States

The Foundation shall, for the purpose of this Agreement:

- a) recommend to the J. William Fulbright Foreign Scholarship Board of the United States of America students, trainees, scholars, teachers, instructors and professors who are citizens or nationals of Canada for participation in programs as it may deem necessary for achieving the purposes of this Agreement; and
- b) in the budgeting and accounting of funds and in financial reporting to the United States Government, follow the Manual for Binational Commissions, originally prepared by the United States Information Agency.

ARTICLE 5

The Board

1. The principal office of the Foundation shall be in Ottawa.