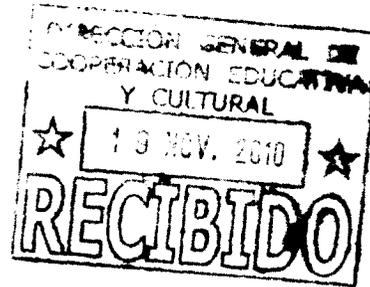


No. 3395



The Embassy of the United States of America presents its compliments to the Secretariat of Foreign Relations and has the honor to refer to the Agreement Between the Government of the United States of America and the Government of the United Mexican States for the Establishment of the U.S.-Mexico Commission for Educational and Cultural Exchange done at Monterrey, November 27, 1990, as amended through exchanges of diplomatic notes on March 30 and May 10, 1995, May 5, 1997, and May 18, 2000 (hereinafter referred to as "the Agreement").

The Embassy, on behalf of the United States of America, offers the following proposals:

That the Preamble as well as Articles I through X of the Agreement be amended by replacing those provisions with the text attached hereto.

Further, that the Agreement, which is to expire November 26, 2010, be extended for an additional ten years.

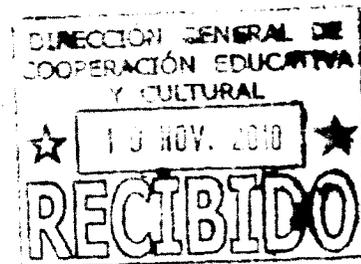
If the foregoing proposals are acceptable to the Government of the United

Mexican States, the Embassy proposes, on behalf of the United States Government, that this note, including the attached text, and the Government's affirmative note in reply shall constitute an agreement to extend and amend the Agreement , which shall enter into force on the date of your Government's reply note and shall be effective from November 26, 2010.

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

Embassy of the United States of America.

Mexico D.F., November 17, 2010



**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF
AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES
CONCERNING THE U. S. – MEXICO COMMISSION FOR EDUCATIONAL AND
CULTURAL EXCHANGE**

The Government of the United States of America and the Government of the United Mexican States (hereinafter jointly referred to as "the Parties" and individually referred to as "the United States" and "Mexico", respectively);

DESIRING to continue and expand programs to promote mutual understanding between the peoples of the United States and Mexico through educational and cultural exchange in accordance with the Agreement establishing the United States - Mexican Commission on Cultural Cooperation, effected by an Exchange of Notes signed at Mexico City on December 28, 1948, and August 30, 1949, as amended June 15, 1972, and again by an Exchange of Notes dated October 30, 1978, and January 23, 1979; as well as the Agreement for the Establishment of the U.S. – Mexico Commission on Educational and Cultural Exchange, signed at Monterrey November 27, 1990, as amended March 30 and May 10, 1995, May 5, 1997, and May 18, 2000,(hereinafter referred to as "the 1990 Agreement"), and

RECOGNIZING the importance of exchanges in the realm of higher education and the historic contribution of the J. William Fulbright Educational Exchange Program and Mexican Government-sponsored programs to bilateral understanding,

Agree as follows:

Article I

- (A) There will be continued the U.S.-Mexico Commission for Educational and Cultural Exchange established by the 1990 Agreement and recognized as a binational organization (hereinafter referred to as "the Commission"). The Commission will continue and expand programs to promote mutual understanding between the peoples of the United States and Mexico through educational and cultural exchange.
- (B) The Commission will continue to facilitate the administration of an educational and cultural exchange program. This program will be financed with funds made available to the Commission by the Parties in accordance with the terms of this Agreement, and from other public and private sources which support the purposes of this Agreement.
- (C) The principal office of the Commission will remain in Mexico City.

- (D) The Commission will continue to enjoy autonomy of management and administration subject to the provisions of this Agreement and the guidelines and norms established by the Parties.
- (E) (1) The Commission will possess the legal authority and, in particular, the full capacity, to:
 - a) enter into contracts;
 - b) acquire, sell, transfer, or otherwise dispose of immovable and movable property; and
 - c) institute legal proceedings.(2) The Commission may exercise such other powers as will be necessary in furtherance of its purpose and functions, consistent with the provisions of this Agreement and applicable Mexican law.
- (F) Within the conditions and limitations hereinafter set forth, the funds made available under this Agreement and from other public and private sources will be used by the Commission for the purposes of:
 - (1) financing studies, research, instruction, and other educational activities:
 - a) of or for citizens or nationals of the United States in Mexican schools and institutions of higher education located in Mexico, and
 - b) of or for nationals of Mexico in schools and institutions of higher education located in the United States;
 - (2) financing exchanges between the United States and Mexico of students, research scholars, teachers, instructors, professors, artists, and other professionals;
 - (3) financing such other related educational and cultural programs and activities as are provided for in budgets approved in accordance with Article VI below;
 - (4) financing the administration of the Commission; and
 - (5) financing such other projects and programs for individuals and organizations of the two countries, of mutual interest for the bilateral relationship, provided that the funds to finance these projects or programs will come from sources other than those mentioned in Article VI of this Agreement.

Article II

The Commission will have:

- (A) a Board of Directors (hereinafter referred to as "the Board");
- (B) an Executive Director, who will carry out the decisions of the Board and be responsible for the administrative work of the Commission;
- (C) an Administrative Committee and an Academic Committee, which together will be responsible for drafting the policies of the Commission;
- (D) such other committees, officers and staff to perform such duties as the Commission may determine.

Article III

- (A) The Board will consist of ten (10) members, five (5) of whom will be citizens of the United States and five (5) of whom will be nationals of Mexico, and all of whom will serve without compensation.
- (B) The Chief of the Diplomatic Mission of the United States of America to Mexico will have the power to appoint and remove the five (5) United States citizens of the Board, two of whom will be accredited personnel of the United States Diplomatic Mission in Mexico, at least one of whom will be from the Public Affairs Section.
- (C) The Ministry of Foreign Affairs of Mexico will have the power to appoint and remove the five (5) Mexican nationals of the Board, two of whom will be officials of the Government of Mexico, one of whom will be from the Ministry of Foreign Affairs and the other from the Ministry of Public Education.
- (D) The two (2) accredited personnel appointed by the Chief of the Diplomatic Mission of the United States of America and the two (2) officials from the Mexican Government appointed by the Ministry of Foreign Affairs will be hereinafter referred to as the "Governmental Members."
- (E) The remaining six (6) members of the Board will be appointed from the educational, business and professional communities of the two countries for three (3) year terms and will be eligible for reappointment. However, no member will serve for more than six (6) consecutive years.
- (F) In order to maintain continuity of the Board, initial members appointed pursuant to paragraph E above will be selected to fill staggered terms. One member from each side will serve for one (1) year, one for two (2) years, and one for three (3) years.

- (G) Vacancies by reason of resignation, expiration of service or otherwise, will be filled in accordance with paragraphs (B), (C) and (E) above.
- (H) Co-chairmanship of the Board will be held by one U.S. and one Mexican Governmental Member, each designated as agreed by all four Governmental Members. Co-Chairs will serve for renewable one-year periods.

ARTICLE IV

The Board will have the following functions, subject to the provisions of the present Agreement and the policies established by both Parties:

- (A) Adopt by-laws ;
- (B) Administer or assist in administering or otherwise facilitate, with the approval of the Governmental Members, other programs in furtherance of the purposes of this Agreement;
- (C) Create new committees according to the needs of the Commission;
- (D) Recommend to the Governmental Members potential candidates for the position of Executive Director;
- (E) Hire, through the Co-chairpersons, the candidate selected by the Board as Executive Director on a full-time basis;
- (F) Approve:
 - i. the Strategic Plan submitted by the Executive Director every five (5) years on the activities of the Commission;
 - ii. the proposal submitted by the Executive Director detailing the scope of Commission programs for the following United States fiscal year (from October 1 through September 30), the academic areas of concentration, the types of grants, and similar general guidelines;
 - iii. the annual budget of the Commission;
 - iv. the candidate lists submitted by the Executive Director of Mexican or United States students, research scholars, teachers, instructors, professors, artists, and other professionals to participate in the programs of the J. William Fulbright Educational Exchange Program and Mexican Government as well as in other programs approved by

- the Board;
- v. the policies recommended by the Academic Committee;
 - vi. the auditors that carry out the audits of the Commission, and
 - vii. the annual reports on the activities of the Commission submitted by the Executive Director;
- (G) Authorize the Executive Director to seek, procure and receive on behalf of the Commission, donations from public and private sources for projects and activities consonant with the purposes of the Commission as established in this Agreement.
- (H) Instruct the Executive Director to submit to the J. William Fulbright Foreign Scholarship Board, the lists of Mexican or United States students, research scholars, teachers, instructors, professors, artists, and other professionals to participate in such Program.
- (I) Instruct the Executive Director to carry out special auditing of the Commission.
- (J) Review the recommendations derived from audits to the Commission in order to adopt the necessary measures.
- (K) Any other functions necessary in furtherance of this Agreement and approved by the Governmental Members.

Article V

- (A) The Board will meet at least twice a year at a mutually agreed-upon location, alternately in Mexico and the United States.
- (B) A quorum for any meeting of the Board will be a majority of the members, including one Governmental Member from each Party.
- (C) The decisions of the Board will be made by a majority of votes present, which must include the vote of one Governmental Member from each Party.
- (D) Each member of the Board will have one vote.

Article VI

The Parties will make annual allocations of funds and/or contributions in kind to the Commission for the purposes of this Agreement. The amount of such annual allocations will be subject to the funds available to both Parties in accordance with their respective national laws and regulations. All commitments, obligations, and expenditures authorized by the Commission will be made in accordance with an annual budget approved by the Board. In the budgeting and accounting of funds and in financial and program reporting to the United States Party, the Commission will follow the United States Department of State Manual for Binational Commissions and Foundations.

Article VII

The Parties will make every effort to facilitate the exchange-of-persons programs authorized in this Agreement and to resolve problems which may arise in the operations thereof.

Article VIII

This Agreement and the activities hereunder will be subject to the laws and regulations of both Parties.

Article IX

The Parties may conclude implementing arrangements to further the purpose of this Agreement, including, inter alia, in the areas of identifying procedures for the academic screening of applications, determining the composition of Commission staff and the configuration of Commission office space, and defining program expenses and administrative costs.

Article X

This Agreement may be amended by the exchange of diplomatic notes between the Parties.

Article XI

- (A) This Agreement will enter into force on the date of signature and will remain in force for ten (10) years, unless terminated by either Party. Either Party may give written notice to the other of its intention to terminate this Agreement, in which case the Agreement will terminate thirty (30) days after the end of the first calendar year which begins following the date of such notice. The Agreement may be renewed for additional ten (10)-year periods upon an exchange of diplomatic notes.
- (B) The termination of the Agreement will not affect the conclusion of the activities initiated while it was in force.

- (C) Upon termination of the Agreement, funds and property of the Commission remaining will be divided between the two Parties in proportion to their respective contributions to the Commission, and become the property of the Parties, subject to such conditions, limitations and liabilities as may have been imposed thereon prior to the termination of the Agreement.



TRANSLATION

No. 5730

Mexico City, November 24, 2010

Embassy of the United States of America
Mexico City

The Secretariat of Foreign Relations, Office of Legal Counsel, presents its compliments to the Embassy of the United States of America in Mexico and has the honor to refer to its note No. 3395 of November 17, 2010, proposing to amend the **Agreement Between the Government of the United States of America and the Government of the United Mexican States for the Establishment of the U.S.-Mexican Commission for Educational and Cultural Exchange (COMEXUS)** of November 27, 1990, amended on March 30 and May 10, 1995, May 5, 1997, and May 18, 2000, and to extend its validity for an additional ten-year period, beginning on November 26, 2010.

The Secretariat is pleased to inform the Embassy that it agrees to amend the Preamble and Articles I through XI [*sic*: US dip note 3395 refers to amending Articles I-X]] of the Agreement as formulated in the English text that was enclosed with the Embassy's note and in the Spanish text enclosed hereto, and to extend the Agreement for an additional ten-year period, beginning on November 26, 2010, and ending on November 26, 2020.

The Government of the United Mexican States recognizes COMEXUS as a legal entity with full capacity to carry out legal acts, under the terms set forth in the Headquarters Agreement between the Government of the United Mexican States and the U.S.-Mexican Commission for Educational and Cultural Exchange, signed in Mexico City on May 25, 1998.

In view of the foregoing, the Embassy's note and this reply shall constitute an agreement between the Government of the United Mexican States and the Government of the United States of America to amend and extend the validity of the aforementioned Agreement, which shall enter into force on the date of this note.

[Complimentary close.]

[Initialed]

[Ink Stamp: United Mexican States
Secretariat of Foreign Relations
Office of Legal Counsel]

CERTIFICATE OF TRUE COPY

UNITED MEXICAN STATES }

CITY OF MEXICO }

SS:

EMBASSY OF THE UNITED }

STATES OF AMERICA }

I certify that the annexed document is a true and faithful copy of the original, and that it has been carefully examined by me, compared with the said original, and found to agree with it word for word and figure for figure.



(Signature of Consular Officer)

Jennifer Orrico
Vice Consul

(Typed Name of Consular Officer)
Consul of the United States of America

MAY 31 2011

(Date)

PRESIDENTIAL COMMISSIONS ARE PERMANENT



No. 1315

The Embassy of the United States of America presents its compliments to the Secretariat of Foreign Relations of the United Mexican States and has the honor to refer to the Agreement effected by exchange of notes November 17 and 24, 2010, entitled Agreement Amending and Extending the Agreement of November 27, 1990 for the Establishment of the U.S. – Mexico Commission for Educational and Cultural Exchange (hereinafter “Agreement”).

In order to reflect a more accurate translation of the English version of the “Agreement”, as contained in the Secretariat’s note of November 24, 2010, the Government of the United States of America proposes to rectify the text of the “Agreement” as follows:

1. Article I (E)(1)(b);

The comma after the word “disponer” will be deleted.

2. Article I (F)(2);

The term “investigadores” will be replaced by the term “investigadores académicos”.

3. Article II (C);

The Spanish language text of the Agreement will now read (emphasis added): “un Comité Administrativo y un Comité Académico, **conjuntamente responsables de...**”

4. Article II (D);

The comma after the word “funciones” will be deleted.

5. Article III (H);

The Spanish language text of the Agreement will now read (emphasis added): “La Co-Presidencia del Consejo **estará a cargo** de un Miembro Gubernamental de los Estados Unidos y uno de México...”

6. Article IV (F)(ii);

The Spanish language text of the Agreement will now read (emphasis added): “...las áreas académicas de concentración, los tipos de **apoyos a otorgarse** y lineamientos generales...”

7. Article IV (H);

The Spanish language text of the Agreement will now read (emphasis added): “Junta de Becas **en el Extranjero J. William Fulbright.**”

8. Article VI;

The Spanish language text of the Agreement will now read (emphasis added): “Manual **del Departamento de Estado de los Estados Unidos** para Comisiones y Fundaciones Binacionales.”

9. Article IX;

The Spanish language text of the Agreement will now read (emphasis added): “Las Partes podrán celebrar arreglos de implementación para **cumplir con** el propósito de este Convenio, incluyendo, entre otros, en las áreas de identificación de **procedimientos para la verificación académica de solicitudes**, la determinación de la composición del personal de la Comisión y la configuración del espacio físico de la Comisión, así como para definir los gastos del programa y costos administrativos.”

10. Article XI;

The comma after the words “que inicie” will be deleted.

In order to correct the Agreement, the Embassy proposes, on behalf of the Government of the United States of America, that:

- I. The Spanish language text be corrected as set out above; and
- II. The corrected text replaces the defective text as from November 24, 2010, the date on which the Agreement entered into force.

If the Government of the United Mexican States concurs with the proposals contained in paragraphs I. and II. above, the Embassy further proposes that this note and the Secretariat's note in reply thereto expressing the concurrence of the Government of the United Mexican States shall constitute the correction of the Spanish language text of the Agreement.

The Embassy of the United States of America avails itself of this opportunity to renew to the Secretariat of Foreign Relations the assurances of its highest and most distinguished consideration.

Embassy of the United States of America.

Mexico D.F., May 12, 2011





TRANSLATION

No. 2318

The Secretariat of Foreign Relations, Office of the Legal Adviser, presents its compliments to the Embassy of the United States Embassy in Mexico and has the honor to refer to its note No. 1315, dated May 12, 2011, concerning the **Agreement effected by Exchange of Notes at Mexico City, on November 17 and 24, 2010, amending the Agreement of November 27, 1990, for the Establishment of the U.S.-Mexico Commission for Educational and Cultural Exchange (COMEXUS).**

The Secretariat is pleased to inform the Embassy that it accepts the translation clarifications proposed by the U.S. Government to the Spanish text of the above-mentioned Agreement. In this regard, attached herewith is the amended text in the Spanish language, which will replace the text transmitted with the Mexican note dated November 24, 2010.

[Complimentary close]

Mexico City, D.F., May 19, 2011

[Initialed]

[Stamp]

CJA1106801
Cc: Bureau for North America, for information
Cc: Bureau for Educational and Cultural Cooperation, for information
Vd AB [Initialed]

Department of State
Washington, D.C.