

No. 3931

**UNITED STATES OF AMERICA
and
PERU**

Agreement for financing certain educational exchange programs. Signed at Lima, on 3 May 1956

Official texts: English and Spanish.

Registered by the United States of America on 12 July 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Lima, le 3 mai 1956

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 12 juillet 1957.

No. 3931. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PERU FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT LIMA, ON 3 MAY 1956

The Government of the United States of America and the Government of Peru;

Desiring to promote further mutual understanding between the peoples of the United States of America and Peru by a wider exchange of knowledge and professional talents through educational activities;

Considering that the Secretary of State of the United States of America may enter into an Agreement for financing certain educational exchange programs from the currency of Peru held or available for expenditure by the United States for such purposes;

Have agreed as follows :

Article I

There shall be established a Commission to be known as the Commission for Educational Exchange between the United States and Peru (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Peru as an organization created and established to facilitate the administration of an educational program to be financed by funds made available to the Commission by the Government of the United States from funds held or available for expenditure by the United States for such purpose.

Except as provided in Article III hereof the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present Agreement. The funds and property which may be acquired with these funds in furtherance of the purposes of this Agreement, shall be regarded in Peru as property of a foreign government.

The funds made available under the present Agreement, within the conditions and limitations hereinafter set forth, shall be used by the Commission or such other instrumentality as may be agreed upon by the Government of the

¹ Came into force on 3 May 1956, upon signature, in accordance with article XII.

United States of America and the Government of Peru for the purposes, as set forth in Section 1641 (b), Title 50, Appendix of the U.S. Code, of

- (1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Peru, or of the citizens of Peru 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 incident to scholastic activities; or
- (2) furnishing transportation for citizens of Peru 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.

Article II

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to the carrying out of the purposes of the present Agreement, including the following :

- (1) Plan, adopt and carry out programs in accordance with the purposes of Section 1641 (b), Title 50, Appendix of the U.S. Code, and the purposes of the present Agreement.
- (2) Recommend to the Board of Foreign Scholarships, provided for in Public Law 584, 79th Congress, students, professors, research scholars, teachers, residents in Peru, and institutions of Peru qualified to participate in the program in accordance with the aforesaid Law.
- (3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the present Agreement.
- (4) Acquire, hold, and dispose of property in the name of the Commission as the Board of Directors of the Commission may consider necessary or desirable, provided, however, that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.
- (5) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission or such other person as may

- be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America. The Treasurer shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.
- (6) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present Agreement.
 - (7) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.
 - (8) Incur administrative expenses as may be deemed necessary out of funds made available under the present Agreement.

Article III

All commitments, obligations, and expenditures authorized by the Commission shall be made in accordance with an annual budget, to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article IV

The management and direction of the affairs of the Commission shall be vested in a Board of Directors consisting of six members (hereinafter designated "the Board"), three of whom shall be citizens of the United States of America and three of whom shall be citizens of Peru. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Peru (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board, without the right to vote, except that he shall cast the deciding vote in the event of a tie vote by the Board. He shall have the power of appointment and removal of all members of the Board. Of the citizens of the United States of America two shall be officers of the United States Foreign Service establishment in Peru; one of them shall serve as Chairman of the Board and one of them shall serve as Treasurer.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside Peru, expiration of service, or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

The members shall serve without compensation but the Board may authorize the payment of the necessary expenses of the members in attending the meetings of the Board and in performing other official duties assigned by the Board.

Article V

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission.

Article VI

Reports acceptable in form and content to the Secretary of State of the United States of America shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of Peru.

Article VII

The principal office of the Commission shall be in the capital city of Peru but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Board.

Article VIII

The Government of the United States of America and the Government of Peru agree that currency of Peru acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement, dated February 8, 1955,¹ and any other currency of Peru owed to or owned by the United States and available for educational exchange activities, up to an aggregate amount equivalent to US\$ 300,000 may be used for purposes of this Agreement; provided, however, that in no event shall a total of the currency of Peru in excess of the equivalent of 100,000 (United States currency) be deposited to the credit of the Commission during any single year, and provided further, that the performance of this Agreement shall be subject to the availability of appropriations to the Secretary of State of the United States of America, when required by the laws of the United States, for reimbursement to the Treasury of the United States for currency of Peru, held or available for expenditure by the United States.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission currency of Peru in such amounts as may be required for the purposes of this Agreement but in no event may amounts in excess of the budgetary limitation established pursuant to Article III of the present Agreement be expended by the Commission.

¹ Should read "February 7, 1955." United Nations, *Treaty Series*, Vol. 241, p. 63, and Vol. 257, p. 376.

Article IX

The Government of the United States of America and the Government of Peru shall make every effort to facilitate the exchange of persons program authorized in this Agreement and the Convention for the Promotion of Inter-American Cultural Relations¹ and to resolve problems which may arise in the operations thereof.

Article X

Wherever, in the present Agreement, the term "Secretary of State of the United States of America" 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.

Article XI

The present Agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Peru.

Article XII

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

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

DONE at Lima, in duplicate, in the English and Spanish languages this third day of May, 1956.

For the Government of the United states of America :

[SEAL] Ellis O. BRIGGS

For the Government of Peru :

[SEAL] L. E. LLOSA

¹ United States of America : TS 928. 51 STAT. 178.