

No. 1284

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**UNITED STATES OF AMERICA  
and  
KOREA**

**Agreement for financing certain educational exchange programs. Signed at Seoul, on 28 April 1950**

*Official texts: English and Korean.*

*Registered by the United States of America on 10 July 1951.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CORÉE**

**Accord relatif au financement de certains programmes d'échange en matière d'éducation. Signé à Séoul, le 28 avril 1950**

*Textes officiels anglais et coréen.*

*Enregistré par les États-Unis d'Amérique le 10 juillet 1951.*

No. 1284. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT SEOUL, ON 28 APRIL 1950

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The Government of the United States of America and the Government of the Republic of Korea;

Desiring to promote further mutual understanding between the peoples of the United States of America and the Republic of Korea through educational contacts;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress,<sup>2</sup> provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government, acquired as a result of surplus property disposals, for certain educational activities; and

Considering that Article IX C of the Agreement between the United States and the Republic of Korea on Initial Financial and Property Settlement signed at Seoul on September 11, 1948<sup>3</sup> (hereinafter designated "the Settlement Agreement") provides that Korean currency received by the Government of the United States of America under the Settlement Agreement may be used, among other things, for such educational programs as may be mutually agreed upon by the two governments;

Have agreed as follows :

*Article 1*

There shall be established a Commission to be known as the United States Educational Commission in Korea (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of the Republic of Korea as an organization created and

<sup>1</sup> Came into force on 28 April 1950, as from the date of signature, in accordance with article 13.

<sup>2</sup> United States of America : 60 Stat. 754.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 89, p. 155.

established to facilitate the administration of the program to be financed by funds made available by the Government of the Republic of Korea under the terms of the Settlement Agreement and the present agreement. Except as provided in Article 3 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 shall be regarded in the Republic of Korea as property of a foreign government. The funds made available under the present agreement within the conditions and limitations hereinafter set forth, shall be placed at the disposal of the Commission or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of the Republic of Korea for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, 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 Korea or of the citizens of Korea 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 Korea 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 America of an opportunity to attend such schools and institutions.

#### *Article 2*

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 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

(2) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Korea, and institutions of Korea qualified to participate in the program in accordance with the aforesaid Act.

(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 this agreement.

(4) 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 and he shall deposit funds received in a depository or depositories designated by the Secretary of State.

(5) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present agreement.

(6) 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.

(7) Engage an Executive Officer, administrative and clerical staff and fix and pay the salaries and wages thereof out of funds made available under the agreement.

### *Article 3*

All commitments, obligations, and expenditures authorized by the Commission shall be made pursuant to 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 4*

The Commission shall consist of eight members, four of whom shall be citizens of the United States of America and four of whom shall be citizens of Korea. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Korea (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission. He shall cast the deciding vote in the event of a tie vote by the Commission and shall appoint the Chairman of the Commission. The Chairman as a regular member of the Commission shall have the right to vote. The Chief of Mission shall have the power to appoint and remove the citizens of the United States of America on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Korea. The Government of Korea shall have the power to appoint and remove the citizens of Korea on the Commission.

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 Korea, 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 Commission is authorized to pay the necessary expenses of the members in attending the meetings of the Commission and in performing other official duties assigned by the Commission.

#### *Article 5*

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

#### *Article 6*

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 the Republic of Korea.

#### *Article 7*

The principal office of the Commission shall be in the capital city of the Republic of Korea, but 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 Commission's officers or staff may be carried on at such places as may be approved by the Commission.

#### *Article 8*

The Government of the Republic of Korea shall, as and when requested by the Government of the United States of America for purposes of this agreement, deposit in an account of the Treasurer of the United States of America in Korea, amounts of currency of the Government of the Republic of Korea up to an aggregate amount equivalent to \$2,000,000 (United States currency) provided, however, that in no event shall a total amount of the currency of the Government of the Republic of Korea, in excess of the equivalent of \$400,000 (United States currency) be deposited during any single calendar year. The rate of exchange between currency of the Government of the Republic of Korea and United States currency to be used in determining the amount of currency of the Government of the Republic of Korea to be so deposited shall be calculated in accordance with provisions of Article IX, paragraph F of the Settlement Agreement.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission currency of the Government of the Republic of Korea in such amounts as may be required for the purposes

of this agreement but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

*Article 9*

The Government of the Republic of Korea shall extend to citizens of the United States residing in Korea and engaged in educational activities under the auspices of the Commission such privileges with respect to exemption from taxation and other burdens affecting the entry, travel, and residence of such persons, as are extended to Korean citizens residing in the United States of America engaged in similar activities.

*Article 10*

The Government of the United States of America and the Government of the Republic of Korea shall 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 11*

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 12*

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 the Republic of Korea.

*Article 13*

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 in duplicate, in the English and Korean languages, at Seoul, Korea, on this 28th day of April 1950. The English and Korean texts shall have equal force, but in the case of divergence, the English text shall prevail.

For the Government of the United States of America :

By     Everett F. DRUMRIGHT

For the Government of the Republic of Korea :

By     B. C. LIMB

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