

No. 3736

**UNITED STATES OF AMERICA
and
CHILE**

**Agreement for financing certain educational exchange
programs. Signed at Santiago, on 31 March 1955**

Official texts: English and Spanish.

Registered by the United States of America on 19 March 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHILI**

**Accord relatif au financement de certains programmes
d'échanges dans le domaine de l'enseignement. Signé à
Santiago, le 31 mars 1955**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 19 mars 1957.

No. 3736. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CHILE FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT SANTIAGO, ON 31 MARCH 1955

The Government of the United States of America and the Government of Chile :

Desiring to promote further mutual understanding between the peoples of the United States of America and Chile 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 Chile held or available for expenditure by the United States for such purposes :

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Commission for Educational Interchange between the United States of America and Chile (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Chile 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 of America from funds held or available for expenditure by the United States for such purpose.

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 and property which may be acquired with the funds in furtherance of the purposes of the Agreement shall be regarded in Chile as property of a foreign government.

¹ Came into force on 31 March 1955, upon signature, in accordance with article 12.

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 United States of America and the Government of Chile for the purposes 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 Chile or of the citizens of Chile 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 of transportation, tuition, maintenance, and other expenses incident to scholastic activities; or
- (2) Furnishing transportation for citizens of Chile 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 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 the present Agreement.
- (2) Recommend to the Board of Foreign Scholarships, provided for in Section 1641 (B), Title 50, appendix of the United States Code, students, professors, research scholars, teachers, resident in Chile, and institutions of Chile qualified to participate in the program in accordance with the aforesaid Section.
- (3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program 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 3

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.

Article 4

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 Chile. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Chile (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board. He shall have the power of appointment 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 Chile; 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 Chile, 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 5

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 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 Chile.

Article 7

The principal office of the Commission shall be in the capital city of Chile 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 8

The Government of the United States of America and the Government of Chile agree that currency of Chile acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement, dated January 27, 1955,¹ and any other currency of Chile owed to or owned by the United States and available for educational exchange activities may be used for purposes of this Agreement and 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 Chile 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 the Government of Chile in such amounts as may be required for the purposes of this Agreement but in no event may amounts in excess of the budgetary limitations established pursuant to Article 3 of the present Agreement be expended by the Commission.

Article 9

The Government of the United States of America and the Government of Chile shall make every effort to facilitate the exchange of persons programs authorized in this Agreement and the Convention for the Promotion of Inter-American Cultural Relations² and to resolve problems which may arise in the operations thereof.

¹ See p. 3 of this volume.

² League of Nations, *Treaty Series*, Vol. CLXXXVIII, p. 125.

Article 10

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 11

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 Chile.

Article 12

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 Santiago in duplicate, in the English and Spanish languages each of which shall be of equal authenticity this thirty-first day of March, 1955.

For the Government of the United States of America :

By Willard L. BEAULAC

[SEAL]

For the Government of the Republic of Chile :

By O. KOCH

[SEAL]