

No. 6850

**UNITED STATES OF AMERICA
and
FEDERATION OF MALAYA**

Agreement for financing certain educational exchange programs. Signed at Kuala Lumpur, on 28 January 1963

Official text: English.

Registered by the United States of America on 6 August 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
FÉDÉRATION DE MALAISIE**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Kuala-Lumpur, le 28 janvier 1963

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 6 août 1963.

No. 6850. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATION OF MALAYA FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT KUALA LUMPUR, ON 28 JANUARY 1963

The Government of the United States of America and the Government of the Federation of Malaya :

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

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 of America and the Federation of Malaya (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of the Federation of Malaya 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 purposes.

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. Such funds as well as the office equipment and supplies acquired for the furtherance of the Agreement shall be regarded in the Federation of Malaya 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 United States of America and the Government of the Federation of Malaya for the purpose of :

- (1) financing studies, research, instruction, and other educational activities (i) of or for citizens and nationals of the United States of America in the Federation of

¹ Came into force on 28 January 1963, upon signature, in accordance with article XI.

- Malaya, and (ii) of or for citizens and nationals of the Federation of Malaya in United States of America schools and institutions of learning located in or outside the United States of America ;
- (2) financing visits and interchanges between the United States of America and the Federation of Malaya of students, trainees, teachers, instructors, and professors ; and
 - (3) financing such other related educational and cultural programs and activities as are provided for in budgets approved in accordance with Article III hereof.

Article II

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all powers of a procedural and operating nature necessary to the carrying out of these purposes, 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 of the United States of America, students, trainees, professors, research scholars, teachers, instructors, resident in the Federation of Malaya, and institutions of the Federation of Malaya, to participate in the program.
- (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 (other than real estate) in the name of the Commission as the Commission may consider necessary or desirable, provided, however, that the leasing of adequate housing and facilities for the activities of the Commission will be assured.
- (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. The Treasurer shall deposit funds received in a depository or depositories designated by the Secretary of State.
- (6) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present Agreement, including payment for transportation, tuition, maintenance and other expenses incident thereto.
- (7) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State.

- (8) Engage an Executive Director or Officer, and administrative and clerical staff and fix and pay the salaries and wages thereof, and incur other administrative expenses as may be deemed necessary out of funds made available under the present Agreement.
- (9) Administer or assist in administering or otherwise facilitate educational and cultural programs and activities that further the purposes of the present Agreement but are not financed by funds made available under this Agreement, provided, however, that such programs and activities and the Commission's role therein shall be fully described in annual or special reports made to the Secretary of State and to the Government of the Federation of Malaya as provided in Article VI hereof, and provided that no objection is interposed by either the Secretary of State or the Government of the Federation of Malaya to the Commission's actual or proposed role therein.

Article III

All commitments, obligations, and expenditures authorized by the Commission shall be made in accordance with an annual budget approved by the Secretary of State.

Article IV

The Commission shall consist of ten members, five of whom shall be citizens of the United States of America and five of whom shall be citizens of the Federation of Malaya. In addition, the principal officer in charge of the diplomatic mission of the United States of America to the Federation of Malaya (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 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 the Federation of Malaya, shall be appointed and removed by the Chief of Mission, and one of them shall serve as Treasurer of the Commission. The Malayan members shall be appointed and removed by the Government of the Federation of Malaya.

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 the Federation of Malaya, 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 may authorize the payment of the necessary expenses of the members in attending the

meetings of the Commission and in performing other official duties assigned by the Commission.

Article V

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 VI

Reports acceptable in form and content to the Secretary of State shall be made annually on the activities of the Commission to the Secretary of State and the Government of the Federation of Malaya. Special reports may be made more often at the discretion of the Commission or at the request of either the Secretary of State or the Government of the Federation of Malaya.

Article VII

The principal office of the Commission shall be in the capital city of the Federation of Malaya, 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 VIII

The Government of the United States of America and the Government of the Federation of Malaya agree that there may be used for the purposes of this Agreement any funds, including the equivalent of not less than \$1,000,000 in the currency of the Federation of Malaya, held or available for expenditure by the Government of the United States of America for such purposes.

The performance of this Agreement shall be subject to the availability of appropriations to the Secretary of State when required by the laws of the United States of America.

The Secretary of State will make available for expenditure as authorized by the Commission funds in such amounts as may be required for the purpose of this Agreement, but in no event may amounts in excess of the budgetary limitations established pursuant to Article III of the present Agreement be expended by the Commission.

Article IX

The Government of the United States of America and the Government of the Federation of Malaya 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 X

Wherever, in the present Agreement, the term "Secretary of State" 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 the Federation of Malaya.

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 Kuala Lumpur in duplicate, this 28th day of January, 1963.

For the Government
of the United States of America :

C. F. BALDWIN
Ambassador Extraordinary and
Plenipotentiary of the
United States of America in
the Federation of Malaya

For the Government
of the Federation of Malaya :

A. Hamid KHAN
Minister of Education
Federation of Malaya