

No. 7377

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement for conducting certain educational exchange
programs. Signed at Bonn, on 20 November 1962**

Official texts: English and German.

Registered by the United States of America on 11 August 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'exécution de certains programmes
d'échanges dans le domaine de l'enseignement. Signé
à Bonn, le 20 novembre 1962**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 11 août 1964.

No. 7377. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR CONDUCTING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT BONN, ON 20 NOVEMBER 1962

The Government of the United States of America and the Government of the Federal Republic of Germany ;

Desiring to continue and expand programs to promote further mutual understanding between the peoples of the United States of America and the Federal Republic of Germany by a wider exchange of knowledge and professional talents through educational means ;

Considering that such programs have been carried out in accordance with the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany, signed at Bonn on July 18, 1952,² and amended by Exchange of Notes dated May 14, 1958,³ with funds made available by the United States of America, including currencies received from the Federal Republic of Germany in settlement of surplus property obligations ;

Considering the mutual benefits derived from such programs and the desire of the two Governments to further cooperate and assist in the financing and operating of such programs for the further strengthening of international cooperative relations ;

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Commission for Educational Exchange between the United States of America and the Federal Republic of Germany (hereinafter designated "the Commission"), to replace the United States Educational Commission in the Federal Republic of Germany. The Commission shall be recognized by the Government of the United States of America and

¹ Came into force on 24 January 1964, the date the Government of the United States of America was notified by the Government of the Federal Republic of Germany that its domestic prerequisites for the entry into force of the Agreement had been met, in accordance with article 13.

² United Nations, *Treaty Series*, Vol. 165, p. 167.

³ United Nations, *Treaty Series*, Vol. 316, p. 342.

the Government of the Federal Republic of Germany as a binational organization created and established to facilitate the administration of an educational program to be financed with funds made available to the Commission for such purpose and, at the request or with the approval of the two Governments, to administer or assist in administering or otherwise facilitate other programs in furtherance of the purposes of the present agreement.

The Commission shall be exempt from the domestic and local laws of the United States of America as such laws relate to the use and expenditure of currencies and credits for currencies and the acquisition and use of property for the purposes set forth in the present agreement. The Commission shall be recognized by the Federal Republic of Germany as an international organization and shall enjoy in the Federal Republic of Germany all privileges, exemptions and immunities set forth in Sections 3, 4, 7 and 9 of the Convention on Privileges and Immunities of the Specialized Agencies¹ adopted by the General Assembly of the United Nations on November 21, 1947.

The funds made available under the present agreement (including any accruals arising from investments or other use thereof as interest or otherwise), subject to 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 Federal Republic of Germany for the purpose of :

- (a) financing studies, research, instruction and other educational activities of or for American citizens and nationals in the Federal Republic of Germany, and of or for German citizens (within the meaning of Article 116 (1) of the Basic Law of the Federal Republic of Germany) in American colleges and institutions of learning located in or outside the United States of America ;
- (b) financing visits and interchanges between the United States of America and the Federal Republic of Germany of students, academic trainees, teachers, instructors and professors.

Article 2

The Commission shall consist of ten members, five of whom shall be American citizens and five of whom shall be German citizens having permanent residence in the Federal Republic of Germany including *Land* Berlin. In addition the Chief of the Diplomatic Mission of the United States of America to the Federal Republic of

¹ United Nations, *Treaty Series*, Vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see Vol. 71, p. 318 ; Vol. 79, p. 326 ; Vol. 117, p. 386 ; Vol. 275, p. 298 ; Vol. 314, p. 308 ; Vol. 323, p. 364 ; Vol. 327, p. 326 ; Vol. 371, p. 266, and Vol. 423, p. 284.

Germany and the Minister for Foreign Affairs shall be Honorary Chairmen of the Commission.

The Chief of the Diplomatic Mission of the United States of America to the Federal Republic of Germany shall have the power to appoint and remove the American members on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in the Federal Republic of Germany. The Minister for Foreign Affairs shall have the power to appoint and remove the German members on the Commission.

A chairman with voting power shall be selected by the Commission from among its members.

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 Federal Republic of Germany, 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 3

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 4

In furtherance of the purposes of the present agreement and subject to the conditions thereof, the Commission may exercise all powers necessary to the carrying out of such purposes including the following :

(1) plan, adopt, and carry out programs in furtherance of the purposes of the present agreement ;

(2) designate, in co-operation with the Board of Foreign Scholarships of the United States of America, students, academic trainees, research scholars, teachers, instructors, professors, resident in the Federal Republic of Germany, to participate in the program ;

(3) approve and place, in co-operation with the Board of Foreign Scholarships, students, academic trainees, research scholars, professors, teachers, instructors, resident in the United States of America, to participate in the program ;

(4) elect from its membership a Treasurer and authorize him to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission. To the extent funds are not required for current activities, the Treasurer shall invest them in such securities as may be approved by the Secretary of State and the Minister for Foreign Affairs ;

(5) 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 ;

(6) provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors approved by the Secretary of State and the Minister for Foreign Affairs ;

(7) engage an Executive Director and an 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 agreement ;

(8) with the approval of the Secretary of State and the Minister for Foreign Affairs, administer or assist in administering or otherwise facilitate other programs in furtherance of the purposes of the present agreement.

Article 5

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 and the Minister for Foreign Affairs.

Article 6

Reports acceptable in form and content shall be made annually on the activities of the Commission to the Secretary of State and the Minister for Foreign Affairs.

Article 7

The principal office of the Commission shall be at, or near, the seat of the Government of the Federal Republic of Germany, 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

Funds and property in the possession of the United States Educational Commission in the Federal Republic of Germany derived from sums made available to such

Commission by the Government of the United States of America pursuant to the Agreement of July 18, 1952, as amended, shall be available to the Commission for the purpose of this agreement.

In addition to the funds provided for in the preceding paragraph, the Government of the Federal Republic of Germany shall, as and when requested by the Government of the United States of America for purposes of this agreement, make available such portion of the Deutsche Mark equivalent of the \$10,000,000 provided for in the Agreement of July 18, 1952, as amended, as has not been made available to the Government of the United States of America at the time such Agreement is terminated and superseded by this agreement. The Government of the United States of America will make such funds available to the Commission upon their receipt from the Federal Republic of Germany and will make available an additional sum in Deutsche Mark equivalent to \$1,000,000. The planned schedule for making such additional sum available to the Commission is the Deutsche Mark equivalent of \$200,000 on or before June 30, 1964, and the balance in \$200,000 installments on or before June 30 of each succeeding year until the entire sum is made available to the Commission.

The Government of the Federal Republic of Germany agrees to make available to the Commission the Deutsche Mark equivalent of \$4,000,000. The transfer to the Commission of this amount will be made to the extent of the Deutsche Mark equivalent of \$800,000 on or before April 1, 1964, and the balance in \$800,000 installments on or before April 1 of each succeeding year until the entire sum is transferred to the Commission.

The Government of the United States of America and the Government of the Federal Republic of Germany agree that there may also be used for purposes of the present agreement any other funds made available by either Government to the Commission for such purposes.

All such funds and any accruals, as interest or otherwise, arising from investment or other use thereof, and contributions to the Commission from any other source, shall be available for expenditure by the Commission for purposes of the present agreement, within the budgetary limits established pursuant to Article 5.

The performance of this agreement shall be subject

- (a) to the availability of appropriations to the Secretary of State when required by the laws of the United States of America,
- (b) to the availability of required budget funds to the Minister for Foreign Affairs in accordance with the budgetary provisions of the Federal Republic of Germany.

Article 9

The Government of the United States of America and the Government of the Federal Republic of Germany shall make every effort to facilitate the exchange of persons program authorized in this agreement and to resolve problems which may arise in the operations thereof.

Article 10

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. Whenever the term "Minister for Foreign Affairs" is used, it shall be understood to mean the Minister for Foreign Affairs in the Federal Republic of Germany or any officer or employee of the Government of the Federal Republic of Germany as he may designate 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 the Federal Republic of Germany.

Article 12

The agreement shall also apply in *Land* Berlin, unless the Government of the Federal Republic of Germany delivers a statement to the contrary to the Government of the United States of America within three months from the effective date of the agreement.

Article 13

The present agreement supersedes the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany signed at Bonn on July 18, 1952, as amended.

This agreement enters into force on the date the Government of the United States of America is notified by the Government of the Federal Republic of Germany that the domestic prerequisites for the entry into force have been met.

DONE at Bonn in two originals, each of them in the English and German languages, both texts being equally authentic, this 20th day of November 1962.

For the Government of the United States of America :

Walter DOWLING

[SEAL]

For the Government of the Federal Republic of Germany :

Heinrich KRONE

[SEAL]