

No. 7112

**UNITED STATES OF AMERICA
and
REPUBLIC OF KOREA**

Agreement for financing certain educational exchange programs. Signed at Seoul, on 18 June 1963

Official texts: English and Korean.

Registered by the United States of America on 6 February 1964.

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

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Séoul, le 18 juin 1963

Textes officiels anglais et coréen.

Enregistré par les États-Unis d'Amérique le 6 février 1964.

No. 7112. AGREEMENT¹ 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 18 JUNE 1963

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 activities ;

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 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.

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 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 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 Republic of Korea for the purposes 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 Republic of Korea, and (ii) of or for citizens and nationals of the Republic of Korea in United States of America schools and institutions of learning in or outside the United States of America ;

¹ Came into force on 18 June 1963, upon signature, in accordance with article 13.

- (2) Financing visits and interchanges between the United States of America and the Republic of Korea 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 3 hereof.

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 of the United States of America, students, trainees, professors, research scholars, teachers, instructors, resident in Korea, and institutions of Korea qualified to participate in the program.
- (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 purposes 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, 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 selected by the Secretary of State.
- (7) Engage an Executive Officer, 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) Acquire, hold, and dispose of property in the name of the Commission as 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.

- (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 the 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 Republic of Korea as provided in Article 6 hereof, and provided that no objection is interposed by either the Secretary of State or the Government of the Republic of Korea to the Commission's actual or proposed role therein.

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.

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 shall be made annually on the activities of the Commission to the Secretary of State and the Government of the Republic of Korea. 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 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 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 United States of America and the Government of the Republic of Korea agree that there may be used for the purposes of this Agreement any funds, including the equivalent of not less than \$500,000 in the currency of the Republic of Korea, held or available for expenditure by the Government of the United States of America for such purposes.

The Secretary of State will make available for expenditure as authorized by the Commission funds 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 3 of the present Agreement be expended by the Commission.

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.

Article 9

The Government of the Republic of Korea shall extend to residents of the United States of America engaged in educational or cultural activities in Korea 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 residents of Korea engaged in similar activities in the United States of America.

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" 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 supersedes the Agreement between the Government of the United States of America and the Government of the Republic of Korea signed at Seoul on April 28, 1950, as amended.¹

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 eighteenth day of June, 1963. The English and Korean texts shall have equal authenticity, but in the case of divergence, the English text shall prevail.

For the Government of the United States of America :

Samuel D. BERGER

[SEAL]

For the Government of the Republic of Korea :

YONG SHIK KIM

[SEAL]

¹ United Nations, *Treaty Series*, Vol. 93, p. 21 and Vol. 380, p. 412.