

No. 8513

**UNITED STATES OF AMERICA
and
PERU**

Agreement for financing certain educational exchange programs. Signed at Lima, on 28 January 1965

Official texts: English and Spanish.

Registered by the United States of America on 10 January 1967.

**ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Lima, le 28 janvier 1965

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 10 janvier 1967.

No. 8513. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PERU FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT LIMA, ON 28 JANUARY 1965

The Government of the United States of America and the Government of Peru;

Desiring to promote further mutual understanding between the peoples of the United States of America and Peru 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 and Peru (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Peru 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 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 expenditures of currencies and credits for currencies for the purposes set forth in the present Agreement. The funds and property which may be acquired with these funds in furtherance of the purposes of this Agreement, shall be regarded in Peru 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 Peru 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 Peru, and (ii) of or for citizens and nationals of Peru in United States schools and institutions of learning located in or outside the United States of America;

¹ Came into force on 25 August 1965, the date of the notice by which the Government of Peru informed the Government of the United States of America that the procedures required to that effect had been accomplished, in accordance with article XII.

(2) financing visits and interchanges between the United States of America and Peru 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 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 Peru, and institutions of Peru 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 purpose and objectives of the present Agreement.

(4) 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.

(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 of 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) Incur 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 Peru as provided in Article VI hereof, and provided that no objection is interposed by either the Secretary of State or the Government of Peru 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, to be approved by the Secretary of State.

Article IV

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 Peru. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Peru (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission, without the right to vote, except that he shall cast the deciding vote in the event of a tie vote by the Commission. He shall have the power of appointment and removal of all members of the Commission. Of the citizens of the United States of America two shall be officers of the United States Foreign Service establishment in Peru; one of them shall serve as Chairman of the Commission 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 Peru, 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 Peru. 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 Peru.

Article VII

The principal office of the Commission shall be in the capital city of Peru 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 Peru agree that there may be used for the purposes of this Agreement any funds, including currency of Peru, 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 purposes of this Agreement but in no event may amounts in excess of the budgetary limitation 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 Peru shall make every effort to facilitate the exchange-of-persons program authorized in this Agreement and the Convention for the Promotion of Inter-American Cultural Relations 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 Peru.

Article XII

The present agreement shall come into force on the date of the notice by which the Government of Peru informs the Government of the United States of America that the procedures required for its entry into force have been accomplished. The agreement between the Government of the United States of America and the Government of Peru signed at Lima on May 3, 1956, as amended,¹ shall be thereupon terminated.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Lima, in duplicate, in the English and Spanish languages this twenty-eighth day of January, one thousand nine hundred sixty-five.

For the Government of the United States of America :

[SEAL] J. Wesley JONES

¹ United Nations, *Treaty Series*, Vol. 272, p. 59 ; Vol. 290, p. 354; Vol. 367, p. 239; Vol. 452, p. 337.