

No. 4368

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**UNITED STATES OF AMERICA  
and  
BRAZIL**

**Exchange of notes constituting an agreement relating to the establishment of the United States of America Educational Commission in Brazil. Rio de Janeiro, 5 November 1957**

*Official texts : English and Portuguese.*

*Registered by the United States of America on 17 June 1958.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
BRÉSIL**

**Échange de notes constituant un accord relatif à la création, au Brésil, d'une commission des États-Unis d'Amérique pour l'éducation. Rio-de-Janeiro, 5 novembre 1957**

*Textes officiels anglais et portugais.*

*Enregistré par les États-Unis d'Amérique le 17 juin 1958.*

2. A presente nota e a de Vossa Excelência, nº 170, desta data e de igual teor, constituem acôrdo formal entre os Governos do Brasil e dos Estados Unidos da América.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha alta estima e mais distinta consideração.

José Carlos DE MACEDO SOARES

A Sua Excelência o Senhor Ellis O. Briggs  
Embaixador dos Estados Unidos da América

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS

RIO DE JANEIRO

DC1/DPo/DE/DAI/158/542.6(22)

5 November 1957

Excellency,

[See note II]

2. This note and your note No. 170 of today's date in similar terms shall constitute a formal agreement between the Governments of Brazil and the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my high esteem and most distinguished consideration.

José Carlos DE MACEDO SOARES

His Excellency Mr. Ellis O. Briggs  
Ambassador of the United States of America

## II

*The American Ambassador to the Brazilian Minister for Foreign Affairs*

No. 170

Rio de Janeiro, November 5, 1957

Excellency :

I have the honor to acknowledge Your Excellency's Note No. DC1/DPo/DE/DAI/158 of today's date, the text of which reads in English as follows :

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

"Considering that an Agricultural Commodities Agreement signed between the Government of the United States of America and the Government of Brazil authorizes an agreement for financing certain educational exchange programs from Brazilian currency held or available for expenditure by the United States of America for such purposes ; and considering that the Government of the United States of America deems it in the interest of the development of better mutual understanding between the two nations to make available a certain proportion of this currency for this purpose ;

"My Government agrees as follows :

*"Article 1*

"There shall be established a commission to be known as the United States of America Educational Commission in Brazil (hereinafter designated "the Commission") which shall be recognized by the Government of the United States of America and the Government of Brazil 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 of America 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 shall be regarded in Brazil as belonging to 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 Brazil for the purposes, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, 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 Brazil ; or of citizens of Brazil in United States of America schools and institutions of higher learning located outside the continental United States of America, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities ; or

"(2) furnishing transportation for Brazilian citizens who desire to attend the United States of America schools and institutions of higher learning in the continental United States of America, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, whose attendance will not deprive citizens of the United States of America of any 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 Section 32 (b) of the United States of America Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

"(2) Recommend to the Board of Foreign Scholarships, provided for in the United States of America Surplus Property Act of 1944, as amended, students, professors, research scholars, teachers, resident in Brazil, and Brazilian institutions qualified to participate in the program in accordance with the aforesaid Act.

"(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 Board of Directors of the Commission may consider necessary or desirable.

"(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 Government of the United States of America. The Treasurer shall deposit funds received in a depository or depositories designated by the Government 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 Government of the United States of America.

"(8) Engage an Executive Officer, administrative and clerical staff and fix and authorize payment of the salaries and wages thereof 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 Government of the United States of America pursuant to such regulations as it may prescribe.

### *"Article 4*

"The management and direction of the affairs of the Commission shall be vested in a Board of Directors consisting of ten members (hereinafter designated "the Board"), five of whom shall be citizens of the United States of America and five of whom shall be citizens of Brazil. The principal officer in charge of the Diplomatic Mission of the United States of America to Brazil (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. The Chief of Mission shall appoint the Chairman of the Board, after consultation with the Brazilian Government. The Chairman as a regular member of the Board shall have the right to vote, and in case of a tie his vote shall be decisive. The citizens of the United States of America on the Board, at least two of whom shall be officers of the United States Foreign Service establishment in Brazil, shall be appointed and removed by the Chief of Mission. The Brazilian members shall be appointed and removed by the Ministry of Foreign Affairs.

"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 Brazil, 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 Government of the United States of America shall be made annually on the activities of the Commission to the Government of the United States of America and the Government of Brazil.

*"Article 7*

"The principal office of the Commission shall be in the capital city of Brazil, 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 Brazil agree that currency of Brazil acquired by the Government of the United States of America pursuant to the Surplus Agricultural Commodities Agreement, dated 16 November 1955,<sup>1</sup> (hereinafter referred to as the "Commodities Agreement"), up to an aggregate amount of 49,058,800 cruzeiros (forty-nine million, fifty-eight thousand, eight hundred cruzeiros) may be used for purposes of this agreement.

"The Government of the United States of America will make available for expenditure as authorized by the Commission currency of Brazil 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.

*"Article 9*

"The Government of the United States of America and the Government of Brazil 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 relations,<sup>2</sup> and to resolve problems which may arise in the operations thereof.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 239, p. 207, and Vol. 273, p. 302.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CLXXXVIII, p. 125

*"Article 10*

"Wherever, in the present agreement, the term "the Government of the United States of America" is used, it shall be understood to mean the Government of the United States of America represented by the Secretary of State or any other duly authorized official 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 Brazil.

*"Article 12*

"The present agreement shall come into force upon the date of signature."

I have the honor to inform Your Excellency that the Government of the United States of America confirms this agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

ELLIS O. BRIGGS

His Excellency José Carlos de Macedo Soares  
Minister for Foreign Affairs  
Rio de Janeiro

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