

No. 6904

UNITED STATES OF AMERICA
and
BRAZIL

Exchange of notes constituting an agreement relating to radiobiological equipment for use by the Institute of Biophysics of the University of Brazil (with Memorandum dated 28 January 1963). Rio de Janeiro, 10 October 1962 and 29 March 1963

Official texts : English and Portuguese.

Registered by the United States of America on 12 September 1963.

ÉTATS-UNIS D'AMÉRIQUE
et
BRÉSIL

Échange de notes constituant un accord relatif à du matériel de radiobiologie destiné à l'Institut de biophysique de l'Université du Brésil (avec Mémoire en date du 28 janvier 1963). Rio de Janeiro, 10 octobre 1962 et 29 mars 1963

Textes officiels anglais et portugais.

Enregistré par les États-Unis d'Amérique le 12 septembre 1963.

No. 6904. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND BRAZIL RELATING TO RADIOBIOLOGICAL EQUIPMENT FOR USE BY THE INSTITUTE OF BIOPHYSICS OF THE UNIVERSITY OF BRAZIL. RIO DE JANEIRO, 10 OCTOBER 1962 AND 29 MARCH 1963

I

The American Ambassador to the Brazilian Minister of Foreign Affairs

Rio de Janeiro, October 10, 1962

No. 286

Excellency :

I have the honor to refer to a request from the Instituto de Biofísica da Universidade do Brasil that the Government of the United States of America assist the Institute of Biophysics of the University of Brazil in obtaining equipment for use in developing the Institute's radiobiological and research program. Approval of a grant for this purpose has now been given.

I now have the honor to propose the following understandings on the basis of which funds are to be furnished :

1. The equipment and materials to be acquired in accordance with this note shall be used for peaceful purposes only.

2. The Brazilian Government shall procure, or arrange for procurement of, all equipment and materials to be financed hereunder, and shall meet the costs of transportation, insurance while in transit, installation, and operation of this equipment and material.

3. The Brazilian Government shall insure that 50 percent of the gross tonnage of equipment and materials financed hereunder which may be transported on ocean vessels shall be transported on United States-flag vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

4. Funds granted by the Government of the United States shall be available only to purchase such equipment and materials, or their equivalents, and in amounts not in excess of such prices, as may be established by the United States Atomic Energy Commission. Any difference between the amount established by the Commission and the actual cost may not be applied toward purchase of other items.

¹ Came into force on 29 March 1963 by the exchange of the said notes.

5. The manner and procedures for reimbursement to the Brazilian Government for procurement of equipment and materials as provided in this note shall be established by the United States Atomic Energy Commission and notified to the Brazilian Government.

6. Copies of technical publications deriving from use of equipment and materials financed hereunder will be provided currently to the Government of the United States, and an appropriate plaque acknowledging the assistance of the Government of the United States will be permanently displayed in the laboratory in which the equipment and materials financed hereunder are located.

7. The Brazilian Government shall indemnify and save harmless the Government of the United States against any and all liabilities from any cause whatsoever, including third party liability, which may result from the operation or use of any equipment and materials furnished hereunder.

If these understandings are acceptable to Your Excellency's Government, this note and Your Excellency's reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

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

Lincoln GORDON

His Excellency Hermes Lima
Minister of Foreign Affairs
Rio de Janeiro

The American Embassy to the Brazilian Ministry of Foreign Affairs

MEMORANDUM

The Embassy of the United States of America informs the Ministry of Foreign Affairs of Brazil, with reference to Paragraph 5 of the Embassy's Note No. 286, dated October 10, 1962, that requests for payment by the Government of Brazil may be made when items are received by Brazil or its agent from the manufacturer or supplier. In order to eliminate excessive administrative detail, it is hoped that requests for payment will be made in aggregate amounts of not less than \$5,000. Should this procedure create difficulties for the Government of Brazil, consideration will be given to making payments in smaller amounts. The request for payment should be supported by a certification by Brazil that the item meets specifications as indicated by the sample models shown on the equipment list and that the item and price are acceptable, and by a copy of the vendor's invoice or similar document. Requests for payment should be forwarded to the Technical Facilities and Training Branch, Division of International Affairs, U.S. Atomic Energy Commission, Washington 25, D.C. *Payment will be made in United States dollars by the United States Atomic Energy Commission*

to the vendor on receipt of a request from the Government of Brazil. All items must be procured in the United States of America.

Enclosure:¹

Nuclear Energy Equipment Grant

Embassy of the United States of America

Rio de Janeiro, January 28, 1963

II

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

The Brazilian Minister of Foreign Affairs to the American Ambassador

MINISTERIO DAS RELAÇÕES EXTERIORES

Em 29 de março de 1963

DOA/82/592.3

Senhor Embaixador,

Tenho a honra de acusar recebimento da nota nº 286, de 10 de outubro de 1962, e do memorandum de 28 de janeiro último, que se referem à doação de equipamentos científicos para pesquisas do Instituto de Biofísica da Universidade do Brasil e cuja tradução é a seguinte :

« Nº 286 – Rio de Janeiro, 10 de outubro de 1962.

« Excelência,

« Tenho a honra de me referir a um requerimento do Instituto de Biofísica da Universidade do Brasil para que o Governo dos Estados Unidos da América preste assistência ao referido Instituto no sentido de obter equipamento para uso no desenvolvimento do programa de radiobiologia e pesquisa. Foi agora concedida aprovação para um crédito destinado a esse fim.

« Tenho agora a honra de propor as seguintes condições na base das quais os fundos deverão ser fornecidos :

« 1. O equipamento e materiais a serem adquiridos de acordo com esta nota serão usados unicamente para fins pacíficos.

« 2. O Governo brasileiro se proverá, ou determinará sejam provistos, de todo o equipamento e materiais a serem financiados abaixo, e fará face aos custos de transporte, seguro e trânsito, instalação e operação desse equipamento e materiais.

¹ The text of this enclosure was not included in the copies of the Agreement submitted for registration; according to information provided by the United States of America the Government of the United States of America does not consider it as constituting an integral part of the Agreement.

tes da lista de equipamento, e de que o artigo e o preço são aceitáveis ; e numa cópia da fatura do vendedor ou documento similar. As requisições de pagamento deverão ser dirigidas ao « Technical Facilities and Training Branch Division of International Affairs, U.S. Atomic Energy Commission, Washington 25, D.C. » *O pagamento será feito em dólares norte americanos pela Comissão ao vendedor mediante o recebimento de uma requisição pelo Governo do Brasil. Todos os artigos deverão ser comprados nos Estados Unidos da América.*

« (Grifado no original)

« Embaixada dos Estados Unidos da América.

« Rio de Janeiro, em 28 de janeiro de 1963 ».

2. Em resposta, é-me grato informar Vossa Excelência de que o Governo brasileiro concorda em que a nota nº 286, o memorandum de 28 de janeiro de 1963 e esta nota passem a constituir, nesta data, um Acórdo que regule a doação ao Instituto de Biofísica da Universidade do Brasil do equipamento para pesquisas mencionado no anexo à nota e ao memorandum em apêço.

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

Hermes LIMA

A Sua Excelência o Senhor Lincoln Gordon
Embaixador dos Estados Unidos da América

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

March 29, 1963

DOA/82/592.3

Mr. Ambassador :

I have the honor to acknowledge receipt of note No. 286 of October 10, 1962 and the memorandum of January 28 last, relating to the furnishing of scientific equipment for research to be conducted by the Instituto de Biofísica da Universidade do Brasil, which in translation read as follows :

[See note I]

2. In reply, I am happy to inform Your Excellency that the Brazilian Government agrees that note No. 286, the memorandum of January 28, 1963, and this note

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

shall constitute, on this date, an agreement governing the providing of the Instituto de Biofísica da Universidade do Brasil with the equipment for research mentioned in the enclosure accompanying the note and memorandum in question.

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

Hermes LIMA

His Excellency Lincoln Gordon
Ambassador of the United States of America