

No. 9685

**UNITED STATES OF AMERICA
and
BRAZIL**

**Exchange of notes constituting an agreement relating to
the establishment of the Commission for Educational
Exchange between the United States of America and
Brazil. Rio de Janeiro, 5 and 19 October 1966**

Authentic texts: English and Portuguese.

Registered by the United States of America on 2 July 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
BRÉSIL**

**Échange de notes constituant un accord relatif à la création
de la Commission pour les échanges dans le domaine
de l'enseignement entre les États-Unis d'Amérique et
le Brésil. Rio de Janeiro, 5 et 19 octobre 1966**

Textes authentiques: anglais et portugais.

Enregistré par les États-Unis d'Amérique le 2 juillet 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT ¹
BETWEEN THE UNITED STATES OF AMERICA AND
BRAZIL RELATING TO THE ESTABLISHMENT OF THE
COMMISSION FOR EDUCATIONAL EXCHANGE BE-
TWEEN THE UNITED STATES OF AMERICA AND BRAZIL

I

No. 273

Rio de Janeiro, October 5, 1966

Excellency:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of Brazil effected by an exchange of notes dated November 5, 1957, ² and subsequent amendments, ³ to promote further mutual understanding between the peoples of the United States of America and Brazil by a wider exchange of knowledge and professional talents through educational activities. I have the honor to refer also to recent conversations between representatives of our two Governments on the same subject and to confirm the understanding reached that, in accordance with Article 11 of the Agreement, the latter be further amended, such amendments being incorporated in the following text of Agreement:

Article 1

There shall be established a commission to be known as the Commission for Educational Exchange between the United States of America and 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 under the terms of the present Agreement.

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 Agreement shall be regarded in Brazil 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 Brazil for the purposes of:

¹ Came into force on 19 October 1966 by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 303, p. 3.

³ *Ibid.*, vol. 401, p. 300, and vol. 488, p. 273.

- (1) financing studies, research, instruction and other educational activities (i) of or for citizens and nationals of the United States of America in Brazil, and (ii) of or for citizens and nationals of Brazil in United States of America schools and institutions of learning located in or outside the United States of America ;
- (2) financing visits and interchanges between the United States of America and Brazil 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, research scholars, teachers, instructors and professors, resident in Brazil, and institutions of Brazil qualified to participate in the program ;
- (3) recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program 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 ;
- (5) authorize the Treasurer of the Commission, or such alternate as the Commission may designate, to receive funds to be deposited in bank accounts in the name of the Commission. The appointment of the Treasurer or such designee shall be approved by the Secretary of State and the Treasurer or such designee 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) engage an Executive Director or Officer, and 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 present Agreement ; and
- (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 of the United States of America and to the Government of Brazil, as provided in Article 6 hereof, and provided that no objection is interposed by either the Secretary of State or the Government of Brazil 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, subject to such regulations as he may prescribe.

Article 4

The Commission shall consist of ten members, 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 Commission. The Chief of Mission shall appoint the Chairman of the Commission, after consultation with the Brazilian Government. The Chairman as a regular member of the Commission shall have the right to vote, and in case of a tie, his vote shall be decisive. The Chief of Mission shall have the power of appointment and removal of the United States citizens on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Brazil. One of the members appointed from the United States Foreign Service establishment shall serve as Treasurer of the Commission. 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 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 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 Brazil. Special reports may be made more often at the discretion of the Commission or at the request of either the Government of Brazil or the Secretary of State.

Article 7

The principal office of the Commission shall be in such place in Brazil as the Chief of Mission may direct, but meetings of the Commission and any of its commit-

tees may be held in such other places in Brazil 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

The Government of the United States of America and the Government of Brazil agree that there may be used for the purposes of this Agreement any funds, including currency of Brazil, held or available for expenditure by the Government of the United States for such purposes, and contributions to the Commission from any source.

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 funds in such amounts as may be required for the purpose of this Agreement, but in no event may amounts in excess of the budgetary limitations 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 in the Convention for the Promotion of Inter-American Cultural Relations 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.

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.

This agreement may be terminated by either party by written notice to the other of its desire to terminate the Agreement, and such termination shall become effective thirty days after the expiration of the first academic year in Brazil which opens following the date of such notice. In the event of termination of this Agreement, all funds and property of the Commission shall become the property of the Government of the United States of America, subject to such conditions, limitations, and liabilities as may have been imposed thereon prior to termination.

Article 12

The present Agreement supersedes the text of the Agreement between the Government of the United States of America and the Government of Brazil effected by exchange of notes at Rio de Janeiro on November 5, 1957, as amended.

Upon receipt of a note from Your Excellency indicating that the provisions in the foregoing text are acceptable to the Government of Brazil, the Government of the United States of America will consider that this note and your reply thereto constitute an Agreement between the two Governments on this subject, the Agreement to enter into force on the date of your note in reply.

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

Philip RAINE
Chargé d'Affaires, ad interim

His Excellency Juracy Montenegro Magalhães
Minister for Foreign Affairs
Rio de Janeiro

II

The Brazilian Acting Minister for Foreign Affairs to the American Ambassador

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTERIO DAS RELAÇÕES EXTERIORES

DCInt / DAS / DAI / 216 / 542.6(22)

Senhor Embaixador,

Tenho a honra de acusar o recebimento da nota n. 273, de 5 de outubro do corrente ano, pela qual Vossa Excelência referiu-se ao Acôrdo, firmado entre o Governo brasileiro e dos Estados Unidos da América, por troca de notas, datadas, de 5 de novembro de 1957 e suas sucessivas emendas para promover a compreensão mútua entre o povo brasileiro e o norte-americano por meio de um maior intercâmbio de conhecimentos e de talentos profissionais, através das atividades educacionais.

2. Refere-se Vossa Excelência, outrossim, às negociações entre representantes do Governo brasileiro e norte-americano no sentido de, nos termos do artigo 11 do Acôrdo, proceder à incorporação das emendas ao texto do acôrdo o qual conterà as seguintes disposições, aceitas pelo Governo brasileiro:

Artigo I

Será criada uma comissão a ser denominada « Comissão para o Intercâmbio Educational entre os Estados Unidos da América e o Brasil » (designada doravante, como « a Comissão ») a qual será reconhecida pelo Governo dos Estados Unidos do

Artigo XI

O presente Acôrdo poderá ser modificado por troca de notas entre os Governos do Brasil e dos Estados Unidos da América.

O presente Acôrdo poderá ser denunciado por uma das Partes por meio de comunicação escrita à outra manifestando desejo de denunciá-lo; tal denúncia tornar-se-á efetiva trinta dias após o término do primeiro ano acadêmico do Brasil que se iniciar à data da notificação. No caso de denúncia dêste Acôrdo, todos os fundos e bens da Comissão tornar-se-ão propriedade do Governo dos Estados Unidos da América, sujeitos às condições, limitações e obrigações contraídas ou estabelecidas antes da referida denúncia.

Artigo XII

O presente Acôrdo substitui o texto do Acôrdo entre o Govêrno do Brasil e os Estados Unidos da América, efetuado por troca de notas, no Rio de Janeiro, a os 5 de novembro de 1957, e com emendas posteriores.

3. A presente nota e a de Vossa Excelência, de n. 273, de 5 de outubro de 1966, e de igual teor, constituem acôrdo formal entre os Governos do Brasil e dos Estados Unidos da América. O presente Acôrdo entrará em vigor na data da sua assinatura.

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

Mandel PIO CORREA

A Sua Excelência o Senhor John Tuthill
Embaixador dos Estados Unidos da América

[TRANSLATION ¹ — TRADUCTION ²]

MINISTRY OF FOREIGN AFFAIRS

DCInt/DAS/DAI/216/542.6 (22)

October 19, 1966

Mr. Ambassador:

I have the honor to acknowledge the receipt of note No. 273 dated October 5 of this year, in which Your Excellency refers to the Agreement between the Government of Brazil and the Government of the United States of America effected by an exchange of notes dated November 5, 1957, and its subsequent amendments, to promote mutual understanding between the Brazilian people and the people of the United States of America by

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

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

a wider exchange of knowledge and professional talents through educational activities.

2. Your Excellency also refers to the negotiations between representatives of the Government of Brazil and the Government of the United States of America with a view to incorporating, in accordance with Article 11 of the Agreement, amendments in the text of the Agreement, which will contain the following provisions that have been accepted by the Government of Brazil:

[See note I]

3. This note and Your Excellency's note No. 273, which is dated October 5, 1966 and is of the same tenor, constitute a formal agreement between the Government of Brazil and the United States of America. This Agreement will enter into force on the date of its signature.

Accept, Excellency, the renewed assurances of my highest esteem and most distinguished consideration.

M. Pro C.

His Excellency John Tuthill
Ambassador of the United States of America