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**Brazil
and
United States of America**

Agreement between the Government of the Federative Republic of Brazil and the Government of the United States of America for Educational and Cultural Exchange Programs. Brasília, 27 May 2008

Entry into force: *17 November 2009 by notification, in accordance with article XI*

Authentic texts: *English and Portuguese*

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**Brésil
et
États-Unis d'Amérique**

Accord entre le Gouvernement de la République fédérative du Brésil et le Gouvernement des États-Unis d'Amérique relatif aux programmes d'échanges éducatifs et culturels. Brasilia, 27 mai 2008

Entrée en vigueur : *17 novembre 2009 par notification, conformément à l'article XI*

Textes authentiques : *anglais et portugais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC
OF BRAZIL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS**

The Government of the Federative Republic of Brazil

and

The Government of the United States of America
(hereinafter referred to as the “Parties”),

Desiring to continue and expand programs to promote mutual understanding between the peoples of the Federative Republic of Brazil (Brazil) and the United States of America (United States) by means of educational, cultural, scientific, technical and professional exchange;

Considering that these programs have been carried out by the Commission for Educational Exchange between the Brazil and United States (hereinafter referred to as “the Commission”) under the provisions of the Agreement on the Commission for Educational Exchange and Financing of Exchange Programs done in Rio de Janeiro on October 5 and 19, 1966;

Recognizing the mutual benefits derived from such programs and the desire of the Parties to cooperate and assist in the financing and expansion of these programs for the further strengthening of bilateral cooperation

Have agreed as follows:

Article I

1. The Commission shall continue to be recognized by the Government of Brazil and the Government of the United States as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by both Parties under the terms of the present Agreement and by other appropriate sources as approved by the Commission Board, in accordance with the objectives of the program as contained in this Agreement.

2. The Commission is established with juridical personality under Brazilian law and shall enjoy autonomy of management and administration, subject to the provisions of this Agreement and the guidelines and norms established by the Parties.

3. The Commission, its assets and income shall be exempt from taxes to the extent provided by the Internal Revenue Code ("the Code") of the United States and the applicable laws of Brazil. Contributions to the Commission shall be deductible to the extent provided in the Code and the applicable laws of Brazil.

4. This Agreement and the activities hereunder shall be subject to the laws and regulations of the Parties, as applicable, including those concerning the availability of funds.

Article II

The funds made available by the Parties under this Agreement, and by other sources, within the conditions and limitations set forth in this Agreement, shall be used by the Commission for the purposes of:

- a) financing studies, research, instruction, and other educational activities at the university level (a) of or for citizens and nationals of the United States in Brazil, and (b) of or for citizens and nationals of Brazil in the United States;
- b) financing visits and exchanges between the United States and Brazil of students, teachers, scholars, and professionals; and
- c) facilitating and financing other related educational and cultural programs and activities such as evaluation, testing and educational advisory services; promoting cooperation and information sharing about higher education systems and practices; and conferences and workshops.

Article III

The Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to carry out the purposes of the present Agreement including the following:

- a) plan, adopt, and carry out programs in accordance with the purposes of the present Agreement;
- b) submit an annual proposal detailing the scope of the Commission's programs, the types of grants and general guidelines for approval by the Board;
- c) prepare announcements and application instructions for all programs to ensure transparency and open competition;
- d) recommend to the J. William Fulbright Foreign Scholarship Board of the United States of America students, teachers, scholars and professionals, who are citizens of Brazil, to participate in the program;
- e) reciprocally, receive for its approval the lists of United States citizens or nationals selected by the Fulbright Foreign Scholarship Board for studies, research, instruction and other educational activities in Brazil, and facilitate their affiliation in appropriate organizations;

- f) subject to the conditions and limitations as set forth herein, authorize the disbursement of funds and the making of grants for the authorized purposes of this Agreement, including payment of transportation, tuition and registration fees, maintenance and other expenses incident hereto;
- g) provide for annual audits of the accounts of the Commission by the auditors selected by the Board and make the same available to both Parties. If so requested by the Parties, the Commission will also permit other auditing of its accounts by representatives of either or both Parties;
- h) acquire, hold and dispose of property in the name of the Commission as it may consider necessary to carry out the purposes of this Agreement, provided that adequate office facilities for the activities of the Commission are assured;
- i) raise and accept contributions, donations and bequests from other sources (individuals, foundations, corporations, and other public and private institutions), provided that the procedures for raising and using such funding are in conformity with the provisions of this Agreement and with the laws and regulations of the Parties, for the purpose of enhancing the bilateral exchange program of the Commission as detailed in Article 2;
- j) with the approval of both Parties, administer or assist in administering or otherwise facilitate other programs in furtherance of the purposes of this Agreement.

Article IV

1. The Parties agree to make annual allocations of funds and/or contributions in kind to the Commission for the purposes of this Agreement, subject to the availability of appropriated funds and other relevant laws and regulations of the Parties. All commitments, obligations and expenditures authorized by the Commission shall be made in accordance with an annual program plan and budget approved by the Board of Directors.

2. In the budgeting and accounting of funds and in financial and program reporting to the Government of the United States, the Commission shall follow the United States Department of State's Manual for Binational Commissions and Foundations.

3. In the budgeting and accounting of funds and in financial and program reporting to the Government of Brazil, the Commission shall follow the specific procedures as required by Brazilian law, rules and regulations.

Article V

1. The management and direction of the affairs of the Commission shall be vested in a Board of Directors consisting of twelve members (hereinafter designated "the Board"), six of whom shall be citizens of the United States and six of whom shall be citizens of Brazil. In addition, the Minister of Foreign Affairs of Brazil and the Ambassador of the United States of America in Brazil shall serve as Honorary Co-Chairpersons of the Board, entitled to participate in Board meetings as non-voting members. The Minister of Foreign Affairs of Brazil shall have the power to appoint and remove three citizens of Brazil, one of whom shall be an official of the

Ministry of Foreign Affairs. The Minister of Education of Brazil shall have the power to appoint and remove three citizens of Brazil, one of whom shall be an official of the Ministry of Education. The Ambassador of the United States of America in Brazil shall have the power to appoint and remove the citizens of the United States on the Board, two of whom shall be officers of the United States Foreign Service stationed in Brazil. The remaining members of the Commission shall be drawn from the educational, business and professional communities of the two countries.

2. The co-chairmanship of the Board of Directors will be held by a United States Foreign Service Officer member designated by the Ambassador of the United States of America in Brazil and a Brazilian government official designated by the Minister of Foreign Affairs.
3. The non-governmental members shall be appointed for three-year terms and shall be eligible for reappointment for an additional three years. However, no member shall serve for more than six consecutive years. Terms will commence on January 1 and end on December 31. Vacancies by reason of resignation, expiration of service or otherwise, shall be filled for the balance of the term remaining, in accordance with the appointment procedures set forth in this Article. Members serving at the time that this Agreement comes into effect shall continue to serve the term applicable at the time of his or her appointment, unless that member is removed pursuant to this Article.
4. The members shall serve without compensation but the Commission is authorized to pay the necessary expenses of the non-governmental members in attending the meetings of the Board.
5. Each Commission member will have one vote. The decisions of the Commission shall be made by a majority of the votes cast. A quorum for a meeting shall be seven members.
6. The two co-Treasurer positions will be held by a United States Foreign Service Officer member designated by the Ambassador of the United States of America in Brazil and a Brazilian member designated by the Minister of Foreign Affairs of Brazil. The co-Treasurers perform management duties as designated by the Commission.
7. 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.
8. The Board shall meet a minimum of three times each calendar year.

Article VI

1. The Board shall appoint an Executive Director, who shall be in charge of the administrative work of the Commission and shall appoint the necessary administrative and clerical staff as may be necessary and establish their remuneration and working conditions, subject to the approval of the Board of Directors.
2. The Executive Director shall be appointed for a term of one year which may be renewed for additional three-year terms as the Board deems fit.
3. The Executive Director shall be responsible for the direction and supervision of the Board's programs and activities in accordance with the Board's resolutions and directives and the provisions of this Agreement. In his or her absence or disability, the Board may appoint an Acting Executive Director for such time as it deems necessary or desirable.