

# CONSTITUTION

OF THE FEDERATIVE REPUBLIC OF BRAZIL



# TITLE IV

## The Organization of the Powers

### CHAPTER I

#### The Legislative Power

### SECTION I

#### The National Congress

**Article 44.** The Legislative Power is exercised by the National Congress, which is composed of the Chamber of Deputies and the Federal Senate.

*Sole paragraph.* Each legislative term shall have the duration of four years.

**Article 45.** The Chamber of Deputies is composed of representatives of the people, elected, by the proportional system, in each state, territory and in the Federal District.

Paragraph 1. The total number of Deputies, as well as the representation of the states and of the Federal District shall be established by a supplementary law, in proportion to the population, and the necessary adjustments shall be made in the year preceding the elections, so that none of those units of the Federation has less than eight or more than seventy Deputies.

Paragraph 2. Each territory shall elect four Deputies.

**Article 46.** The Federal Senate is composed of representatives of the states and of the Federal District, elected by a majority vote.

Paragraph 1. Each state and the Federal District shall elect three Senators for a term of office of eight years.

Paragraph 2. One-third and two-thirds of the representation of each state and of the Federal District shall be renewed every four years, alternately.

Paragraph 3. Each Senator shall be elected with two substitutes.

**Article 47.** Except where there is a constitutional provision to the contrary, the decisions of each House and of their committees shall be taken by a majority vote, when the absolute majority of its members is present.

### SECTION II

#### Powers of the National Congress

**Article 48.** The National Congress shall have the power, with the sanction of the President of the Republic, which shall not be required for the matters specified in articles 49, 51 and 52, to provide for all the matters within the competence of the Union and especially on: (CA No. 19, 1998; CA No. 32, 2001; CA No. 41, 2003)

- I – system of taxation, collection of taxes and income distribution;
- II – pluriannual plan, budgetary directives, annual budget, credit transactions, public debt and issuance of currency;
- III – establishment and modification of Armed Forces troops;
- IV – national, regional and sectorial plans and programmes of development;
- V – boundaries of the national territory, air and maritime space and property of the Union;
- VI – incorporation, subdivision or dismemberment of areas of territories or states, after consulting with the respective Legislative Assembly;
- VII – temporary transference of the seat of the Federal Government;
- VIII – granting of amnesty;
- IX – administrative and judicial organization of the Public Prosecution and the Public Legal Defense of the Union and of the territories, and judicial organization of the Public Prosecution and the Public Legal Defense of the Federal District;
- X – creation, change, and abolishment of public offices, positions and functions, with due regard for article 84, VI, *b*;
- XI – creation and abolishment of Ministries and Government bodies;
- XII – telecommunications and radio broadcasting;
- XIII – financial, foreign exchange and monetary matters, financial institutions and their operations;
- XIV – currency, currency issuance limits, and amount of federal indebtedness;
- XV – stipulation of the compensation for the Justices of the Supreme Federal Court, with due regard for articles 39, paragraph 4; 150, II; 153, III; and 153, paragraph 2, I.

**Article 49.** It is exclusively the competence of the National Congress: (CA No. 19, 1998)

- I – to decide conclusively on international treaties, agreements or acts which result in charges or commitments that go against the national property;
- II – to authorize the President of the Republic to declare war, to make peace and to permit foreign forces to pass through the national territory or remain therein temporarily, with the exception of the cases provided by a supplementary law;
- III – to authorize the President and the Vice-President of the Republic to leave the country, when such absence exceeds fifteen days;
- IV – to approve a state of defense and federal intervention, authorize a state of siege or suspend any of these measures;
- V – to stop the normative acts of the Executive Power which exceed their regimental authority or the limits of legislative delegation;
- VI – to transfer its seat temporarily;

VII – to establish identical compensation for Federal Deputies and Senators, taking into account the provisions of articles 37, XI, 39, paragraph 4, 150, II, 153, III, and 153, paragraph 2, I;

VIII – to establish the compensation of the President and the Vice-President of the Republic and of the Ministers of State, taking into account the provisions of articles 37, XI, 39, paragraph 4, 150, II, 153, III, and 153, paragraph 2, I;

IX – to examine each year the accounts rendered by the President of the Republic and to consider the reports on the execution of Government plans;

X – to supervise and control directly or through either of its Houses, the acts of the Executive Power, including those of the indirect administration;

XI – to ensure the preservation of legislative competence in the face of the normative incumbency of the other Powers;

XII – to consider the acts of concession and renewal of concession of radio and television stations;

XIII – to choose two-thirds of the members of the Federal Audit Court;

XIV – to approve initiatives of the Executive Power referring to nuclear activities;

XV – to authorize a referendum and to call a plebiscite;

XVI – to authorize, in Indian lands, the exploitation and use of hydric resources and the prospecting and mining of mineral resources;

XVII – to give prior approval to the disposal or concession of public lands with an area of over two thousand and five hundred hectares.

**Article 50.** The Chamber of Deputies and the Federal Senate, or any of their committees, may summon a Minister of State or any chief officers of agencies directly subordinate to the Presidency of the Republic to personally render information on a previously determined matter, and this absence without adequate justification shall constitute a crime of malversation: (RCA No. 2, 1994)

Paragraph 1. The Ministers of State may attend the Federal Senate, the Chamber of Deputies or any of their committees, on their own initiative and by agreement with the respective Directing Board, to report on a matter of relevance to their Ministry.

Paragraph 2. The Directing Boards of the Chamber of Deputies and of the Federal Senate may forward to the Ministers of State, or any of the persons mentioned in the head paragraph of this article, written requests for information, and refusal or non-compliance, within a period of thirty days, as well as the rendering of false information, shall constitute a crime of malversation.

### SECTION III

#### The Chamber of Deputies

**Article 51.** It is exclusively the competence of the Chamber of Deputies: (CA No. 19, 1998)

I – to authorize, by two-thirds of its members, legal proceeding to be initiated against the President and the Vice-President of the Republic and the Ministers of State;

II – to effect the taking of accounts of the President of the Republic, when they are not presented to the National Congress within sixty days of the opening of the legislative session;

III – to draw up its internal regulations;

IV – to provide for its organization, functioning, police, creation, change or abolishment of offices, positions and functions of its services, and the introduction of a law for the establishment of their respective remuneration, taking into account the guidelines set forth in the law of budgetary directives;

V – to elect the members of the Council of the Republic, in the manner prescribed by article 89, VII.

#### **SECTION IV** The Federal Senate

**Article 52.** It is exclusively the competence of the Federal Senate: (CA No. 19, 1998; CA No. 23, 1999; CA No. 42, 2003; CA No. 45, 2004)

I – to effect the legal proceeding and trial of the President and Vice-President of the Republic for crime of malversation, and the Ministers of State and the Commanders of the Navy, the Army, and the Air Force for crimes of the same nature relating to those;

II – to effect the legal proceeding and trial of the Justices of the Supreme Federal Court, the members of the National Council of Justice and of the National Council of the Public Prosecution, the Attorney-General of the Republic, and the Advocate-General of the Union for crimes of malversation;

III – to give prior consent, by secret voting, after public hearing, on the selection of:

- a) judges, in the cases established in this Constitution;
- b) Justices of the Federal Audit Court appointed by the President of the Republic;
- c) Governor of a territory;
- d) president and directors of the Central Bank;
- e) Attorney-General of the Republic;
- f) holders of other offices, as the law may determine;

IV – to give prior approval, by secret voting, after closed hearing, on the selection of heads of permanent diplomatic missions;

V – to authorize foreign transactions of a financial nature, of the interest of the Union, the states, the Federal District, the territories and the municipalities;

VI – to establish, as proposed by the President of the Republic, total limits for the entire amount of the consolidated debt of the Union, the states, the Federal District and the municipalities;

VII – to provide for the total limits and conditions for foreign and domestic credit transactions of the Union, the states, the Federal District and the municipalities, of their autonomous Government entities and other entities controlled by the Federal Government;

VIII – to provide for limits and conditions for the concession of a guarantee by the Union in foreign and domestic credit transactions;

IX – to establish total limits and conditions for the entire amount of the debt of the states, the Federal District and the municipalities;

X – to stop the application, in full or in part, of a law declared unconstitutional by final decision of the Supreme Federal Court;

XI – to approve, by absolute majority and by secret voting, the removal from office of the Attorney-General of the Republic before the end of his term of office;

XII – to draw up its internal regulations;

XIII – to provide for its organization, functioning, police, creation, change or abolishment of offices, positions and functions of its services, and the introduction of a law for the establishment of their respective remuneration, taking into account the guidelines set forth in the law of budgetary directives;

XIV – to elect the members of the Council of the Republic, as established in article 89, VII.

XV – to carry out a regular assessment of the functionality of the National Tax System, as regards its structure and components, as well as the performance of the tax administrations of the Union, of the States, the Federal District, and the Municipalities.

*Sole paragraph.* In the cases provided for in items I and II, the Chief Justice of the Supreme Federal Court shall act as President and the sentence, which may only be issued by two-thirds of the votes of the Federal Senate, shall be limited to the loss of office with disqualification to hold any public office for a period of eight years, without prejudice to other applicable judicial sanctions.

## SECTION V

### Deputies and Senators

**Article 53.** Deputies and Senators enjoy civil and criminal inviolability on account of any of their opinions, words and votes. (CA No. 35, 2001)

Paragraph 1. Deputies and Senators, from the date of issuance of the certificate of election victory, shall be tried by the Supreme Federal Court.

Paragraph 2. From the date of issuance of the certificate of election victory, the members of the National Congress may not be arrested, except in *flagrante delicto* of a non-bailable offense. In such case, the case records shall be sent within twenty-four hours to the respective House, which, by the vote of the majority of its members, shall decide on the arrest.

Paragraph 3. Upon receiving an accusation against a Senator or Deputy, for an offense committed after the issuance of the certificate of election victory, the Supreme

Federal Court shall inform the respective House, which, by the initiative of a political party therein represented and by the vote of the majority of those House members, may, until such time as a final decision is issued, stay consideration of the action.

Paragraph 4. The request for stay shall be examined by the respective House within the unextendable period of forty-five days as from its receipt by the Directing Board.

Paragraph 5. The stay of proceedings shall suspend the limitation for the duration of the term of office.

Paragraph 6. Deputies and Senators shall not be compelled to render testimony on information received or given by virtue of the exercise of their mandate, nor on persons who rendered them information or received information from them.

Paragraph 7. Incorporation into the Armed Forces of Deputies and Senators, even if they hold military rank and even in time of war shall depend upon the prior granting of permission by the respective House.

Paragraph 8. The immunities of Deputies and Senators shall be maintained during a state of siege and may only be suspended by the vote of two-thirds of the members of the respective House, in the case of acts committed outside the premises of Congress, which are not compatible with the implementation of such measure.

**Article 54.** Deputies and Senators may not:

I – after the issuance of their certificate of electoral victory:

- a) sign or maintain a contract with a public legal entity, autonomous Government agency, public company, mixed-capital company or public utility company, unless the contract is in accordance with uniform clauses;
- b) accept or hold a paid office, function or position including those from which they may be dismissed *ad nutum* in the entities mentioned in the preceding subitem;

II – after taking office:

- a) be the owners, controllers or directors of a company which enjoys benefits arising from a contract with a public legal entity or perform a remunerated position therein;
- b) hold an office or function from which they may be dismissed *ad nutum*, in the entities mentioned in item I, a);
- c) act as lawyer in a cause in which any of the entities referred to in item I, a), has an interest;
- d) be the holders of more than one public elective position or office.

**Article 55.** A Deputy or Senator shall lose his office: (RCA No. 6, 1994)

I – if he violates any of the prohibitions established in the preceding article;

II – if his conduct is declared incompatible with parliamentary decorum;

III – if he fails to appear, in each legislative session, at one-third of the regular sessions of the House to which he belongs, except for a leave of absence or a mission authorized by the House concerned;



IV – if his political rights have been lost or suspended;

V – whenever decreed by the Electoral Courts, in the cases established in this Constitution;

VI – if he is criminally convicted by a final and unappealable sentence.

Paragraph 1. Abuse of the prerogatives ensured to a Congressman or the gaining of undue advantages, in addition to the cases defined in the internal regulations, is incompatible with parliamentary decorum.

Paragraph 2. In the cases of items I, II and VI, loss of office shall be declared by the Chamber of Deputies or the Federal Senate, by secret voting and absolute majority, on the initiative of the respective Directing Board or of a political party represented in the National Congress, full defense being ensured.

Paragraph 3. In the cases set forth in items III to V, the loss shall be declared by the Directing Board of the respective House, *ex officio* or upon the initiative of any of its members, or of a political party represented in the National Congress, full defense being ensured.

Paragraph 4. The resignation of a Congressman submitted to a legal suit that aims at or may lead to loss of mandate, under the provisions of this article, will have its effects suspended until the final deliberations mentioned in paragraphs 2 and 3.

**Article 56.** A Deputy or Senator shall not lose his office:

I – if vested with the office of Minister of State, Governor of a territory, Secretary of a state, of the Federal District, of a territory, of a state capital or head of a temporary diplomatic mission;

II – if on leave of absence from the respective House, by virtue of illness or, without remuneration, to attend to private matters, provided that, in this case, the absence does not exceed one hundred and twenty days per legislative session.

Paragraph 1. The substitute shall be called in cases of vacancy, of investiture in the functions set forth in this article or of leave of absence exceeding one hundred and twenty days.

Paragraph 2. Upon the occurrence of a vacancy and there being no substitute, if more than fifteen months remain before the end of the term of office, an election shall be held to fill it.

Paragraph 3. In the event of item I, the Deputy or Senator may opt for the remuneration of the elective office.

## SECTION VI

### The Sessions

**Article 57.** The National Congress shall meet each year in the Federal Capital, from February 2 to July 17 and from August 1 to December 22. (CA No. 32, 2001; CA No. 50, 2006)

Paragraph 1. If sessions scheduled for these dates fall on a Saturday, a Sunday or a holiday, they shall be transferred to the subsequent workday.

Paragraph 2. The legislative session shall not be interrupted before the approval of the bill of budgetary directives.

Paragraph 3. In addition to other cases provided for in this Constitution, the Chamber of Deputies and the Federal Senate shall meet in a joint session to:

I – inaugurate the legislative session;

II – draw up the common regulations and regulate the creation of services common to both Houses;

III – take the oath of the President and of the Vice-President of the Republic;

IV – acknowledge a veto and resolve thereon.

Paragraph 4. Both Houses shall meet in a preparatory session, beginning February 1 of the first year of the legislative term, for the installation of its members and the election of the respective Directing Boards, for a term of office of two years, the re-election to the same office in the immediately subsequent election being prohibited.

Paragraph 5. The Directing Board of the National Congress shall be presided by the President of the Federal Senate and the remaining offices shall be held, alternately, by the holders of equivalent offices in the Chamber of Deputies and in the Federal Senate.

Paragraph 6. Special sessions of the National Congress shall be called:

I – by the President of the Federal Senate, in the event of a decree of a state of defense or of federal intervention, of a demand for the authorization to decree a state of siege and the taking of oath and inauguration of the President and the Vice-President of the Republic;

II – by the President of the Republic, by the Presidents of the Chamber of Deputies and of the Federal Senate, or by request of the majority of the members of both Houses, in the event of urgency or important public interest, approval by the absolute majority of each House of the National Congress being required in all cases referred to in this item.

Paragraph 7. In a special legislative session, the National Congress shall deliberate only upon the matter for which it was called, exception being made for the event mentioned in paragraph 8 of this article, the payment of a compensatory amount by virtue of the special session being forbidden.

Paragraph 8. If there are provisional measures in effect on the date a special session of the National Congress is called, they shall be automatically included in the agenda of the session.

## **SECTION VII**

### **The Committees**

**Article 58.** The National Congress and both its Houses shall have permanent and temporary committees, established in the manner and with the incumbencies set forth in the respective regulations or in the act from which their creation resulted.

Paragraph 1. In the composition of the Directing Boards and of each committee, the proportional representation of the parties or the parliamentary groups which participate in the respective House shall be ensured to the extent possible.

Paragraph 2. The committees have the power, on account of the matter under their authority:

I – to debate and vote on bills of law which, in accordance with the regulations, are exempt from being submitted to the Plenary Assembly, except in the event of an appeal from one-tenth of the members of the respective House;

II – to hold public audiences with entities of civil society;

III – to summon Ministers of State to render information on matters inherent to their duties;

IV – to receive petitions, claims, statements or complaints from any person against acts or omissions of Government authorities or entities;

V – to request the testimony of any authority or citizen;

VI – to examine construction work programs and national, regional and sectorial development plans and to report thereupon.

Paragraph 3. Parliamentary inquiry committees, which shall have the powers of investigation inherent to the judicial authorities, in addition to other powers set forth in the regulations of the respective Houses, shall be created by the Chamber of Deputies and by the Federal Senate, jointly or separately, upon the request of one-third of its members, to investigate a given fact and for a certain period of time, and their conclusions shall, if the case may be, be forwarded to the Public Prosecution to determine the civil or criminal liability of the offenders.

Paragraph 4. During recess there shall be a committee to represent the National Congress, elected by both its Houses in the last regular session of the legislative session, with incumbencies defined in the common regulations, the composition of which shall repeat, to the extent possible, the proportional representation of the political parties.

## **SECTION VIII** The Legislative Process

### **SUBSECTION I** General Provision

**Article 59.** The legislative process comprises the preparation of:

I – amendments to the Constitution;

II – supplementary laws;

III – ordinary laws;

IV – delegated laws;

V – provisional measures;

VI – legislative decrees;

VII – resolutions.

*Sole paragraph.* A supplementary law shall provide for the preparation, drafting, amendment and consolidation of laws.

## **SUBSECTION II**

### Amendments to the Constitution

**Article 60.** The Constitution may be amended on the proposal of:

I – at least one-third of the members of the Chamber of Deputies or of the Federal Senate;

II – the President of the Republic;

III – more than one half of the Legislative Assemblies of the units of the Federation, each of them expressing itself by the relative majority of its members.

Paragraph 1. The Constitution shall not be amended while federal intervention, a state of defense or a state of siege is in force.

Paragraph 2. The proposal shall be discussed and voted upon in each House of the National Congress, in two readings, and it shall be considered approved if it obtains in both readings, three-fifths of the votes of the respective members.

Paragraph 3. An amendment to the Constitution shall be promulgated by the Directing Boards of the Chamber of Deputies and the Federal Senate with its respective sequence number.

Paragraph 4. No proposal of amendment shall be considered which is aimed at abolishing:

I – the federative form of State;

II – the direct, secret, universal and periodic vote;

III – the separation of the Government Powers;

IV – individual rights and guarantees.

Paragraph 5. The matter dealt with in a proposal of amendment that is rejected or considered impaired shall not be the subject of another proposal in the same legislative session.

## **SUBSECTION III**

### The Laws

**Article 61.** The initiative of supplementary and ordinary laws is within the competence of any member or committee of the Chamber of Deputies and the Federal Senate or the National Congress, the President of the Republic, the Supreme Federal Court, the Superior Courts, the Attorney-General of the Republic and the citizens, in the manner and in the cases provided for in this Constitution. (CA No. 18, 1998; CA No. 32, 2001)

Paragraph 1. It is the exclusive initiative of the President of the Republic to introduce laws that:

I – determine or modify the number of Armed Forces troops;

II – provide for:

- a) creation of public offices, functions or positions in the direct administration and in autonomous Government agencies or increases in their salaries;
- b) administrative and judicial organization, tax and budgetary matters, public services and administrative personnel of the territories;
- c) government employees of the Union and Territories, their legal statute, appointment to offices, tenure and retirement;
- d) organization of the Public Prosecution and of the Public Legal Defense of the Union, as well as general rules for the organization of the Public Prosecution and the Public Legal Defense of the states, the Federal District and the territories;
- e) creation and abolishment of Ministries and Government bodies, with due regard for the provision of article 84, VI;
- f) military of the Armed Forces, their legal statute, appointment to offices, promotions, tenure, remuneration, retirement, and transfer to the reserve.

Paragraph 2. The initiative of the people may be exercised by means of the presentation to the Chamber of Deputies of a bill of law subscribed by at least one percent of the national electorate, distributed throughout at least five states, with not less than three-tenths of one percent of the voters in each of them.

**Article 62.** In important and urgent cases, the President of the Republic may adopt provisional measures with the force of law and shall submit them to the National Congress immediately. (CA No. 32, 2001)

Paragraph 1. The issuance of provisional measures is forbidden when the matter involved:

I – deals with:

- a) nationality, citizenship, political rights, political parties, and election law;
- b) criminal law, criminal procedural law, and civil procedural law;
- c) organization of the Judicial Branch and of the Public Prosecution, the career and guarantees of their members;
- d) pluriannual plans, budgetary directives, budgets, and additional and supplementary credits, with the exception of the provision mentioned in article 167, paragraph 3;

II – aims at the detention or seizure of goods, people's savings, or any other financial asset;

III – is reserved for a supplementary law;

IV – has already been regulated by a bill of law passed by the National Congress which is awaiting sanction or veto by the President of the Republic.

Paragraph 2. A provisional measure to institute or increase taxes, with the exception of the taxes mentioned in articles 153, I, II, IV, V, and 154, II, shall only produce effects in the subsequent financial year if it has been converted into law before or on the last day of the financial year in which it was issued.

Paragraph 3. With the exception of the provisions mentioned in paragraphs 11 and 12, provisional measures shall lose effectiveness from the day of their issuance if they are not converted into law within a period of sixty days, which may be extended once for an identical period of time under the terms of paragraph 7, and the National Congress shall issue a legislative decree to regulate the legal relations arising therefrom.

Paragraph 4. The period mentioned in paragraph 3 shall be counted from the date of publication of the provisional measure and shall be interrupted while the National Congress is in recess.

Paragraph 5. Deliberation by each House of the National Congress upon the merits of provisional measures shall depend on prior determination of their compliance with the constitutional requirements.

Paragraph 6. If a provisional measure is not examined within forty-five days as of its date of publication, it shall subsequently be forwarded to urgent consideration in each House of the National Congress, and the deliberation of all other legislative matters shall be suspended in the House where it is under consideration, until such time as voting is concluded.

Paragraph 7. If the voting of a provisional measure is not concluded in both Houses of the National Congress within the period of sixty days as of its date of publication, its period of effectiveness may be extended once for an identical period of time.

Paragraph 8. The voting of provisional measures shall start in the House of Deputies.

Paragraph 9. It is incumbent upon the joint committee of Deputies and Senators to examine provisional measures and issue an opinion thereon, before they are submitted to floor action in each House of the National Congress in a separate session.

Paragraph 10. It is forbidden to reissue a provisional measure in the same legislative session in which it was rejected or lost its effectiveness due to lapse of time.

Paragraph 11. If the legislative decree mentioned in paragraph 3 is not issued within sixty days as of the date the provisional measure was rejected or lost its effectiveness, the legal relations constituted and arising from acts performed during its period of effectiveness shall still be regulated by such provisional measure.

Paragraph 12. Should a bill of law be passed that alters the original text of a provisional measure, the latter will remain effective in full until such date as the bill is sanctioned or vetoed.

**Article 63.** An increase in expenditure proposals shall not be admitted:

I – in bills of the exclusive initiative of the President of the Republic, except for the provisions of article 166, paragraphs 3 and 4;

II – in bills concerning the organization of the administrative services of the Chamber of Deputies, the Federal Senate, the Federal Courts and the Public Prosecution.

**Article 64.** The discussion and voting of the bills of law which are the initiative of the President of the Republic, the Supreme Federal Court and of the Superior Courts shall start in the Chamber of Deputies. (CA No. 32, 2001)

Paragraph 1. The President of the Republic may request urgency in the examination of bills of his own initiative.

Paragraph 2. If, in the event of paragraph 1, the Chamber of Deputies and the Federal Senate fail to act, each one, successively, on the proposition, within the period of forty-five days, deliberation on all other legislative matters shall be suspended in the respective House, save those which must be considered within a stipulated constitutional period, in order that the voting may be concluded.

Paragraph 3. Amendments of the Federal Senate shall be examined by the Chamber of Deputies within a period of ten days, in accordance, otherwise, with the provisions of the preceding paragraph.

Paragraph 4. The periods of time referred to in paragraph 2 shall not be counted while the Congress is in recess and shall not apply to the bills of codes.

**Article 65.** A bill of law approved by one House shall be reviewed by the other in a single reading of discussing and voting and sent for sanctioning or promulgation, if approved by the reviewing House, or it shall be dismissed, if rejected.

*Sole paragraph.* If the bill is amended, it shall return to the House where it was proposed.

**Article 66.** The House in which voting is concluded shall send the bill of law to the President of the Republic, who, if he concurs, shall sanction it. (CA No. 32, 2001)

Paragraph 1. If the President of the Republic considers the bill of law, wholly or in part, unconstitutional or contrary to public interest, he shall veto it, wholly or in part, within fifteen work days, counted from the date of receipt and he shall, within forty-eight hours, inform the President of the Senate of the reasons of his veto.

Paragraph 2. A partial veto shall only comprise the full text of an article, paragraph, item or subitem.

Paragraph 3. After a period of fifteen days, the silence of the President of the Republic shall be considered as sanctioning.

Paragraph 4. The veto shall be examined in a joint session, within thirty days, counted from the date of receipt, and may only be rejected by the absolute majority of the Deputies and Senators, by secret voting.

Paragraph 5. If the veto is not upheld, the bill shall be sent to the President of the Republic for promulgation.

Paragraph 6. If the period of time established in paragraph 4 elapses without a decision being reached, the veto shall be included in the order of the day of the subsequent session, and all other propositions shall be suspended until its final voting.

Paragraph 7. If, in the cases of paragraphs 3 and 5, the law is not promulgated within forty-eight hours by the President of the Republic, the President of the Senate

shall enact it and if the latter fails to do so within the same period, the Vice-President of the Senate shall do so.

**Article 67.** The matter dealt with in a rejected bill of law may only be the subject of a new bill during the same legislative session, upon proposal of the absolute majority of the members of either House of the National Congress.

**Article 68.** Delegated laws shall be drawn up by the President of the Republic, who shall request delegation from the National Congress.

Paragraph 1. There shall be no delegation of acts falling within the exclusive competence of the National Congress, of those within the exclusive competence of the Chamber of Deputies or the Federal Senate, of matters reserved for supplementary laws and of legislation on:

I – the organization of the Judicial Power and of the Public Prosecution, the career and guarantees of their members;

II – nationality, citizenship, individual, political and electoral rights;

III – pluriannual plans, budgetary directives and budgets.

Paragraph 2. The delegation to the President of the Republic shall take the form of a resolution of the National Congress, which shall specify its contents and the terms of its exercise.

Paragraph 3. If the resolution calls for consideration of the bill by the National Congress, the latter shall do so in a single voting, any amendment being forbidden.

**Article 69.** Supplementary laws shall be approved by absolute majority.

## SECTION IX

### Accounting, Financial and Budgetary Control

**Article 70.** Control of accounts, finances, budget, operations and property of the Union and of the agencies of the direct and indirect administration, as to lawfulness, legitimacy, economic efficiency, application of subsidies and waiver of revenues, shall be exercised by the National Congress, by means of external control and of the internal control system of each Power. (CA No. 19, 1998)

*Sole paragraph.* Accounts shall be rendered by any individual or corporation, public or private, which uses, collects, keeps, manages, or administers public monies, assets or values, or those for which the Union is responsible or which, on behalf of the Union, assumes obligations of a pecuniary nature.

**Article 71.** External control, incumbent on the National Congress, shall be exercised with the aid of the Federal Audit Court, which shall:

I – examine the accounts rendered annually by the President of the Republic, by means of a prior opinion which shall be prepared in sixty days counted from receipt;

II – evaluate the accounts of the administrators and other persons responsible for public monies, assets and values of the direct and indirect administration, including



foundations and companies instituted and maintained by the Federal Government as well as the accounts of those who have caused a loss, misplacement or other irregularity resulting in losses to the public treasury;

III – examine, for the purpose of registration, the lawfulness of acts of admission of personnel, on any account, in the direct and indirect administration, including the foundations instituted and maintained by the Federal Government, with the exception of the appointments to commission offices, as well as the granting of civil and military retirement and pensions, except for subsequent improvements which do not alter the legal fundamentals of the conceding act;

IV – carry out, on its own initiative or on that of the Chamber of Deputies, of the Federal Senate, or of a technical or inquiry committee, inspection and audits of an accounting, financial, budgetary, operational or property nature in the administrative units of the Legislative, Executive and Judicial Powers and other entities referred to in item II;

V – control the national accounts of supranational companies in whose capital stock the Union holds a direct or indirect interest, as set forth in the acts of incorporation;

VI – control the use of any funds transferred by the Union, by means of an agreement, arrangement, adjustment or any other similar instrument, to a state, the Federal District or a municipality;

VII – render the information requested by the National Congress, by either of its Houses or by any of the respective committees concerning accounting, financial, budgetary, operational and property control and the results of audits and inspections made;

VIII – in case of illegal expenses or irregular accounts, apply to the responsible parties the sanctions provided by law, which shall establish, among other comminations, a fine proportional to the damages caused to the public treasury;

IX – determine a period of time for the agency or entity to take the necessary steps for the strict compliance with the law, if an illegality is established;

X – if not heeded, stop the execution of the impugned act, notifying the Chamber of Deputies and the Federal Senate of such decision;

XI – present a formal charge to the competent Power on any irregularities or abuses verified.

Paragraph 1. In the case of a contract, the restraining act shall be adopted directly by the National Congress, which shall immediately request the Executive Power to take the applicable measures.

Paragraph 2. If the National Congress or the Executive Power, within ninety days, do not take the measures provided for in the preceding paragraph, the Court shall decide on the matter.

Paragraph 3. Decisions of the Court resulting in the imposition of a debt or fine shall have the effectiveness of an execution instrument.

Paragraph 4. The Court shall, quarterly and annually, forward to the National Congress a report on its activities.

**Article 72.** In view of indications of unauthorized expenditure, even if in the form of non-programmed investments or non-approved subsidies, the permanent joint Committee referred to in article 166, paragraph 1, may request the responsible Government authority to render the necessary explanation, within five days.

Paragraph 1. If the explanations are not rendered or are considered insufficient, the Committee shall request the Court to make a conclusive statement on the matter within thirty days.

Paragraph 2. If the Court deems the expense to be irregular, the Committee shall, if it considers that the expenditure may cause irreparable damage or serious injury to the public economy, propose to the National Congress that it be suspended.

**Article 73.** The Federal Audit Court, formed by nine Justices, shall have its seat in the Federal District, its own staff and jurisdiction throughout the national territory, and shall exercise, insofar as pertinent, the incumbencies provided for in article 96. (CA No. 20, 1998)

Paragraph 1. The Justices of the Federal Audit Court shall be appointed from among Brazilians who meet the following requirements:

- I – more than thirty-five and less than sixty-five years of age;
- II – moral integrity and spotless reputation;
- III – notable knowledge of the law, accounting, economics and finances or of public administration;
- IV – more than ten years of exercise of office or of actual professional activity which requires the knowledge mentioned in the preceding item.

Paragraph 2. The Justices of the Federal Audit Court shall be chosen:

I – one-third by the President of the Republic with the approval of the Federal Senate, two of them being alternately chosen from among auditors and members of the Public Prosecution at the Court, as indicated in a triple list by the Court, in accordance with criteria of seniority and merit;

II – two-thirds by the National Congress.

Paragraph 3. The Justices of the Federal Audit Court shall have the same guarantees, prerogatives, impediments, remuneration, and advantages as the Justices of the Superior Court of Justice, their retirement pensions and other pensions being ruled by the provisions of article 40.

Paragraph 4. The auditor, when substituting for a Justice, shall have the same guarantees and impediments as the incumbent Justice, and, when in exercise of the other duties of the judicature, those of a Judge of a Federal Regional Court.

**Article 74.** The Legislative, Executive and Judicial Powers shall maintain an integrated system of internal control for the purpose of:

I – evaluating the attainment of the goals established in the pluriannual plan, the implementation of government programmes and of the budgets of the Union;

II – verifying the lawfulness and evaluating the results, as to effectiveness and efficiency, of the budgetary, financial and property management in the agencies and

entities of the federal administration, as well as the use of public funds by private legal entities;

III – exercising control over credit transactions, collateral signatures and guarantees, as well as over the rights and assets of the Union;

IV – supporting external control in the exercise of its institutional mission.

Paragraph 1. The persons responsible for internal control shall, upon learning of any irregularity or illegality, inform the Federal Audit Court about it, subject to joint liability.

Paragraph 2. Any citizen, political party, association or labour union has standing under the law to denounce irregularities or illegalities to the Federal Audit Court.

**Article 75.** The rules set forth in this section shall apply, where appropriate, to the organization, composition and control of the Audit Courts of the states and of the Federal District, as well as the Audit Courts and Councils of the municipalities.

*Sole paragraph.* The state Constitutions shall provide for the respective Audit Courts, which shall be formed by seven council members.

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