

Presidency of the Republic  
Civil House  
Under Directorate for Legal Affairs

Law 10.683 from May 28, 2003

Veto Message

(See Law 11.457 from 2007)

Provides the regulations for the organization of the Presidency of the Republic and Government Ministries and sets other provisions.

THE PRESIDENT OF THE REPUBLIC, I hereby proclaim that the National Congress has enacted and that I sanction the following Law:

CHAPTER 1

THE PRESIDENCY OF THE REPUBLIC

Part 1

The Structure

Art. 1 The Presidency of the Republic is primarily composed by the Civil House, the General Secretariat, the Bureau for Institutional Affairs, the Public Information Bureau, the Personal Staff Bureau, the Institutional Security Bureau and by the Presidency of the Republic's Bureau for Strategic Affairs. (Text provided by Law 11.754 from 2008)

§1 The Presidency of the Republic also comprises the following assisting organs that are directly linked to the President of the Republic:

- 1 – the Government Council;
- 2 – the Council for Economic and Social Development;
- 3 – the National Food and Nutrition Council;
- 4 – the National Energy Policy Council;
- 5 – the National Council for Transportation Integration Policies;
- 6 - the General Attorney Office ;
- 7 – the President of the Republic's Special Assistance Office;
- 8 - (Revoked through Law 11.497 from 2007)
- 9 - (Revoked through Law 11.2004 from 2005) (See Law 10.678 from May 23, 2003)

(See Law 10.678 from May 23, 2003)

§2 The following organs provide consulting services to the President of the Republic:

- 1 – the Council of the Republic;
- 2 – the National Defense Council.

§3 The Presidency of the Republic is also includes:

- 1 – the Federal Comptroller Office;
- 2 - (Revoked by Law 11.2004 from 2005)
- 3 – the Special Secretariat for Women Policies;

- 4 - (Revoked by Provisional Writ 437 from 2008)
- 5 – the Special Secretariat for Human Rights.
- 6 – the Special Secretariat for Racial Equality Policies and Promotion, as set by Law 10.678 from May 23, 2003. (included by Law 11.204 from 2005)
- 7 – the Special Harbor Secretariat . (included through Law 11.518 from 2007)

## Part 2

### The Organization and Areas of Competence

Art. 2 It is the competence of the President of the Republic's Civil House to provide immediate and direct assistance to the President of the Republic in the performance of his/her duties and in particular in the areas of coordination and integration of Government actions, the assessment of the constitutionality and legality of presidential actions, the analysis of the merits, potentialities and compatibility of proposals including those being processed by the National Congress, to assist with governmental directives as well as with the evaluation and monitoring of governmental actions and with the management of federal public administration organs and entities as well as to assist in the promotion of information and the preservation of official acts, to supervise and execute the administration of the presidency of the Republic as well as that of the Vice-Presidency of the Republic, and is structurally based on the Deliberative Council of the System for the Protection of the Amazon Basin, the Film High Council, the National Archives, the National Press, the Cabinet, 2 (two) Secretariats including 1 (one) Executive Secretariat, 1 (one) Internal Control organ and up to 3 (three) Under Directorates. (Text provided by Law 10.869 from 2004)

Art. 2-A It is the competence of the Presidency of the Republic's Political Coordination and Institutional Affairs Secretariat to provide immediate and direct assistance to the President of the Republic in the performance of his/her duties and, in particular: (Text provided by Law 11.204 from 2005)

- 1 – the coordination of Governmental policies; (included through Law 11.2004 from 2005)
- 2 – to conduct relations between the Government and the National Congress and Political Parties; and (included through Law 11.204 from 2005)
- 3 – the interaction with the States, the Federal District of Brasilia and the Municipalities. (included through Law 11.204 from 2005)

§1 It is the also the competence of the Presidency of the Republic's Institutional Affairs Secretariat to coordinate and administrate the work of the Council for Economic and Social Development including the safeguarding of organized civil society participation and thereby the creation of new and widely accepted social development models. (included through Law 11.204 from 2005)

§2 The Presidency of the Republic's Institutional Affairs Secretariat is structurally based on the Cabinet, 1 (one) Executive Secretariat, up to 2 (two) Under Directorates and the Secretariat of the Council for Economic and Social Development. (Text provided by Law 11.754 from 2008)

Art. 2-B It is the competence of the Public Information Bureau to provide immediate and direct assistance to the President of the Republic in the performance of his/her duties, and in particular: (Included/provisioned by law 11.497 from 2007)

- 1– the creation and implementation of the Government's policies for public information and transparency; (included/provisioned by Law 11.497 from 2007)
- 2– the implementation of informational programs; (included/provisioned by Law 11.497 from

2007)

3– the development and organization of information systems and public opinion research; (included/provisioned by Law 11.497 from 2007)

4 - intra-ministerial communication and coordination as well as actions related to the information on, and the spreading of, government policies; (included/provided by Law 11.497 from 2007)

5 – the coordination, normalization, supervision and control of marketing activities and of direct or indirect sponsors of public organs and entities within federal public administration sector and of other associations under federal control; (included/provisioned by law 11.479 from 2007)

6 – to convoke mandatory radio and television broadcasts; and (included/provisioned by Law 11.479 from 2007)

7 – to coordinate, consolidate and implement a Brazilian public television system (included/provisioned by Law 11.479 from 2007)

§1 Furthermore, it is the competence of the Presidency of the Republic's Public Information Secretariat to provide prompt and direct assistance to the President of the Republic in the performance of his/her duties related to communication with society in general through the spreading of acts signed by the President of the Republic as well as other pertinent activities, to speak in the President's name and to promote the understanding of governmental programs and policies, to express the President of the Republic's points of view, according to his/her wishes, in all public information activities directed at society in general and the press as well the coverage by the press of audiences conceded by the Presidency of the Republic, the relations of the President of the Republic with national, regional and international press, the coordination of accreditation for journalists and other press professionals, the access to locations for Presidential activities, communication with other governmental public information organs related to the spreading of programs, policies and on actions, events and solemnities and voyages by the President to the Republic, as well as to render journalistic and administrative support to the press committee of the Palácio do Planalto (Presidential Planalto Palace), to promote the spreading and divulging of Presidential acts and other relevant documentation to public organs as well as to provide assistance for press related activities to organs within the Presidency of the Republic. (included/provisioned by Law 11.497 from 2007)

§2 The Presidency of the Republic's Public Information Secretariat is composed of an Executive Under Directorate and up to three Secretariats. (Included/provisioned by Law 11.497 from 2007)

Art. 3 It is the competence of the Presidency of the Republic's General Secretariat to provided prompt and direct assistance to the President of the Republic in the performance of his/her duties, and in particular: (text provided by Law 11.204 from 2005)

1 – in the relations and communication with civil society entities and in the creation and implementation of consultation tools and the social participation of the Executive Branch in areas of interest; (Included through Law 11.202 from 2005)

2 – in the management of the future agenda of the President of the Republic; (included through Law 11.204 from 2005)

3 – in the preparation and conceptualization of the content of speeches to be made by the President of the Republic; (included through Law 11.204 from 2005)

4 – in the evaluation of public policies and other matters of interest to the President of the Republic as well as in the realization of political-Institutional studies; (included through Law 11.204 from 2005)

5 – in the conceptualization, supervision, coordination, integration and information of public policies for the youth and in the communication, promotion and execution of cooperation programs with national and international organizations, public or private, aimed at the implementation of policies for youngsters; (included through Law 11.204 from 2005)

6 – (Revoked by Law 11.497 from 2007)

7 – (Revoked by Law 11.497 from 2007)

8 – (Revoked by Law 11.497 from 2007)

9 – in the performance of other areas of work designated by the President of the Republic. (included through Law 11.204 from 2005)

§1 The Presidency of the Republic's General Secretariat is based on a structure composed by the National Youth Council, the Cabinet, the Executive Secretariat, the National Youth Secretariat and up to four Secretariats. (Text provided by Law 11.479 from 2007)

§2 It is the duty of the General Secretary to undertake any assigned duties as well as to supervise and coordinate the Secretariats that form the structure of the Presidency of the Republic's General Secretariat under the competent Minister of State. (text provided by Law 11.479 from 2007)

Art. 4 (Revoked by Law 11.204 from 2005)

Art. 5 It is the competence of the Personal Staff Cabinet to coordinate the President's agenda, to provide personal secretarial services, ceremonial services, organize and manage award events and the organization of the President of the Republic's private documentation.

Art. 6 It is the competence of the Presidency of the Republic's Institutional Safety Cabinet to provide prompt and direct assistance to the President of the Republic in the performance of his/her duties and to prevent the occurrence of crisis and to provide crisis management support in situations that present an eminent danger to institutional stability, to provide personal assessments in military and security matters, coordinate Federal intelligence activities and information security, to uphold and assure the safety of the Head of State , the Vice President and their families by the police as well as that of Heads of organs that are essential to the Presidency of the Republic, the security of the Republic's Presidential and Vice-Presidential palaces and residencies, and is based

on a structure formed by the National Drug Policy Council, the Brazilian Intelligence Agency (ABN), the National Drug Policy Secretariat, the Cabinet, one Executive Secretariat and up to three Secretariats. (Text provided by Provisional Writ 437 from 2008)

§1 It is also within the competence of the Institutional Security Cabinet to coordinate and integrate actions undertaken by the Government related to activities aimed at the prevention of undue usage of narcotic substances that lead to physical or psychological addiction as well as with activities directed at the treatment, recuperation and social re-integration of substance addicts.

§2 The National Anti-Drug Secretariat will fulfill the duties of Executive-Secretariat within the National Anti-Drug Council as well as the management of the National Anti-Drug Fund (FUNAD).

§3 The locations where the Head of State and the Vice-President work, reside, temporarily visit or will visit in the near future, as well as their premises, are considered as security areas by the above mentioned authorities and it is the duty of the Presidency of the Republic's Institutional Security Cabinet to adopt, according to the purpose of this article, the necessary measures for their protection as well as to coordinate the participation of other security organs for the above mentioned security operations.

Art. 6-A.(Revoked by Law 11.754 from 1998)

Art. 7 It is the competence of the Government Council to assist the President of the Republic in the conceptualization of governmental action directives, and act on two levels;

1 - The Government Council is composed by Ministers of State, heads of organs that are essential for the Presidency of the Republic, heads of the Special Secretariats for Human Rights, Women's Policies and Harbors and is presided by the President of the Republic or, at his/her discretion by the Head of the Civil House and a council secretary selected by the President of the Republic from one of the Council's members. (text provided by Law 11.958 from 2009)

2 - The Chambers of the Government Council are yet to be created through an Executive Power Order aimed at the formulation of sectarian public policies with a scope that surpass the competence of a single Ministry.

§1 Executive Committees will be created in order to develop the executive directive actions initiated by the Chambers and mentioned in subsection 2 of the **heading** of this article as well as their composition and functions, which will be defined through an Executive Branch Act.

§2 The President of the Republic will call for meetings of the Government Council through formal convocations procedures.

§3 The Executive Branch will decide upon the Council's areas of competence and the functions of the Chambers and Committees mentioned in subsection 2 of the **heading** and in §1.

Art. 8 It is the competence of the Council for Economic and Social Development to assist the President of the Republic with the conceptualization of policies and directives aimed at economic and social development through the production of normative proposals, political proposals and procedure agreements as well as through the assessment of public political proposals and the structural reform proposals for economic and social development that have been submitted by the President of the Republic aimed at the development and improvement of relations between the government and the representatives from organized civil society and the harmonization of the

interests of the different sectors of society and their Council representatives.

§1 The Council for Economic and Social Development will be presided by the President of the Republic and will be composed by:

1 – by the Ministers of State that Heads the Institutional Relations Secretariat of the Presidency of the Republic who will also be the Council's Executive Secretary; (text provided by Law 11.204 from 2005)

2 – by the Ministers of State that Heads the Civil House, the General Secretariat, the Institutional Security cabinet and the Secretariat for Strategic Affairs; (Text provided by Law 11.754 from 2008)

3 – by the State Ministers of Finance; Planning, Budget and Management; Development, Industry and Foreign Trade; Social Development and Combat Against Hunger; Labor; Environment; Foreign Affairs; Fisheries and Aquaculture; and the President of the Brazilian Central Bank; (text provided by Law 11.958 from 2009)

4 – by ninety Brazilian citizens and their respective substitutes who are adults, possess a clean record and acknowledged leadership and representativity, all are nominated by the President of the Republic for a two year mandate period that can be renewed.

§2 Substitute Council members will be notified and called to attend meetings when members of the Council can justify their absence;

§3 Members referred to in subsections 1, 2 and 3 can only be substituted by the Executive Secretaries of their respective portfolios.

§4 Meetings of the Council for Economic and Social Development are convoked by the President of the Republic and meetings will be held if a majority of the Council members can be present.

§5 The Council for Economic and Social Development will be allowed to create up to nine simultaneous and temporary work committees that will study and present proposals on specific subjects which will be submitted to the Council's plenary and will be able to request the necessary temporary services of public servants from any organ or entity within the Public Federal Administration, as long as the rights and advantages that the public servants have in their original positions can be upheld.

§6 The Council for Economic and Social Development will have the power to request studies and other information, considered indispensable for the Council's work, from organs and entities within the Federal Public Administration.

§7 Membership in the Council for Economic and Social Development will not be remunerated and is considered as a relevant appointment.

§8 Membership in the Council for Economic and Social Development is not possible if a potential representative holds more than 5% (five percent) of the assets in a company that has not complied with fiscal or welfare regulations. (Text provided by Law 11.204 from 2005)

Art. 9 It is the competence of the National Food and Nutrition Council to assist the President of the Republic with the creation of policies and the definition of directives aimed at the safeguarding of the human right to nourishment and in the integration of governmental actions aimed at providing food to the share of the population that does not possess the means to cover their basic needs and, in particular, the combat against hunger.

Art. 10. It is the competence of the National Energy Policy Council to assist the President of the Republic with the creation of energy policies and directives, according to the provisions of art. 2, Law 9.478 from August 6, 1997.

Art. 11. It is the competence of the National Council for the Integration of Transportation Policies to assist the President of the Republic with the creation of national policies aimed at the integration of the various forms of transportation of people and goods according to the provisions of art. 5, Law 10.233 from June 5, 2001.

Art. 12. It is the competence of the General Federal Attorney's Office, the highest assisting organ of the Executive Branch, to assist the President of the Republic in legal matters, to provide qualified opinions and studies or to propose norms, measures and directives, to provide assistance with the internal control of the legality of Federal Public Administration acts, to suggest legal measures that meet the demands and interests of society in general, to provide information related to contested acts or presidential omissions requested by the Judicial Branch as well as other competences set by Complementary Law 73 from February 10, 1993.

Art.13. It is the competence of the President of the Republic's Special Assistance Office to provide prompt and direct assistance to the President of the Republic in the performance of his/her duties and, in particular, to undertake studies and contacts in matters related to the coordination of actions undertaken by special sectors of the Government, to assist the President of the Republic, in cooperation with the Personal Cabinet, in the preparation of informational and support material for meetings and audiences with national and foreign authorities and personalities, to assist in the preparation and execution of the President of the Republic's traveling activities together with other competent organs, and to forward and process proposals and other relevant matters within the diplomatic sector that are the subject of attention by the Presidency of the Republic.

Art. 14. (revoked by Law 11.497 from 2007)

Art. 15. (revoked by Law 11.204 from 2005)

Art. 16. The composition and competence of the Council of the Republic and of the National Defense Council are provisioned by the Constitution and their organization and functions are regulated through Law 8.041 from June 5, 1990 and Law 8.183 from April 11, 1991 respectively.

Single paragraph. The Executive Secretary of the National Defense Council will be the Head of the Cabinet for Institutional Security and the Executive Secretary of the Council of the Republic will be the Head of the Civil House.

Art. 17. It is the competence of the Federal Comptroller Office to provide prompt and direct assistance to the President of the Republic in the performance of his/her duties in matters and situations considered as relevant by the Executive Branch for the safeguarding of the public patrimony, internal control, public audits, corrections, measures aimed at the prevention and the combat against corruption, ombudsman activities and for the increase of management transparency within the federal public administration sector. (text provided by Law 11.204 from 2005)

§1 The Federal Comptroller Office is headed by the State Minister for Control and Transparency and has a basic structure composed of: a Cabinet, Legal Assistance department, the Council for Public Transparency and Combat Against Corruption, the Internal Control Coordination Commission, an Executive Secretariat, the General Comptroller Office, the General Federal Ombudsman and 2 (two) Secretariats, 1 (one) being the Federal Internal Control Secretariat. (Text provided by Law 11.204 from 2005)

§2 The Council for Public Transparency and Combat Against Corruption will be composed of equal numbers of representatives from organized society and from the Federal Government.

Art. 18. It is the competence of the Federal Comptroller Office to provide due attention to received and well founded petitions or accusations which represent a potential damage or threat of damage to the public patrimony and to safeguard its integrity at all times.

§1 It is the duty of the Federal Comptroller Office and its title holder to, with no exception, and when faced with default by competent authorities, request an investigation, procedures and administrative processes or use any other action being processed by any organ or entity of the Federal Public Administration, in order to correct the practices and to possibly undertake necessary measures for the application of administrative punishments.

§2 It is the duty of the Federal Comptroller Office, whenever the hypothesis set by §1 is applied, to start an investigation or administrative process, depending on the nature of the case, and to present the facts related to defaults incurred by responsible authorities for the appraisal of the President of the Republic.

§3 The Federal Comptroller Office will forward to the Federal Law Bureau cases related to improper administration and all cases that present defaults related to goods, the recovery of treasury and any other information deemed as relevant by that organ, as well as to activate, whenever necessary, the Federal Audit Court, the Federal Revenue Service, the organs of the Internal Control



System within the Executive Branch, the Federal Police Department and the Public Ministry whenever presented with circumstantial evidence of criminal offenses, even if the petitions or accusations are considered obvious slander.

§4 The Federal Comptroller Office rights also include the rights, apart from general inception and mandate procedures and processes, that are the subject of Point V of Law 8.112 from December 11, 1990 and of Chapter V of Law 8.429 from June 2nd, 1992 as well as other rights which are under way or may be developed by organs within the Federal Public Administration as long as they are related to damages or threat of damages to the public patrimony.

§5 The duties of the Minister of State for Control and Transparency, in the exercise of his competence, include in particular:

1 – to reach preliminary decisions on received well grounded petitions or accusations he/she and to indicate adequate respective measures;

2 – to start administrative procedures and processes under his/her remit and to install the respective commissions, as well as to request the reinstatement of processes unjustifiably delayed by the responsible authorities;

3 – to follow the administrative procedures and processes initiated by the organs or entities within the Federal Public Administration sector;

4 – to undertake inspections and order procedures and processes for current cases that are the object of investigations by the Federal Public Administration in order to assess their correctness and to propose the adoption of measures for the correction of administrative shortcomings;

5 – to initiate, or promote, the declaration of nullity of administrative procedures or processes and, when applicable, the immediate and proper evaluation of the facts included in the records and in the declaration of nullity;

6 – request administrative procedures and processes that have been archived by the Federal Public Administration;

7 – to request any necessary information or document pertinent to the work of the General Comptroller Office from any organ or entity within the Federal Public Administration sector and, when necessary, present the request to the President of the Republic;

8 – to requisition from federal organs, entities or other, the number of public servants and employees necessary for the creation of commissions that are the subject of subsection 2, as well as any other public servant or employee that is deemed as indispensable for fact finding processes;

9 – to propose legislative or administrative measures, to suggest necessary actions as well as to prevent the repetition of verified irregularities;

10 – to acknowledge and act on complaints related to the rendering of public services in general and to promote the evaluation of possible negligence in a position, job or function within the Federal Public Administration sector, with the exception of cases that are specifically the legal responsibility of other organs;

11 – to develop any other attributions requested by the President of the Republic.

Art. 19. The heads of the organs of the Internal Control System within the Executive Branch must notify the State Minister for Control and Transparency on any verified irregularity, registered in reports and pertinent to acts or facts attributed to agents within the Federal Public Administration sector that can result ,or have resulted, in damages to the public treasury and which corresponds to a value, estimated through respective accounting procedures and presented in a simplified form, that exceeds the limits set by the Federal Audit Court.

Art. 20. Any request for personnel, including specialists, by the State Minister for Control and Transparency cannot be refused.

Single paragraph. The organs and entities within the Federal Public Administration sector are under the obligation to comply, within the deadline, to any request or solicitation made by the State Minister for Control and Transparency as well as to inform him/her on the initiation of any type of administrative investigations or processes and their respective conclusions.

Art. 21. (Revoked by Law 11.958 from 2009)

Art. 22. It is the competence of the Special Secretariat for Women Policies to provide prompt and direct assistance to the President of the Republic in the conceptualization, coordination and articulation of policies for women as well as to create and implement national education and anti-discriminations campaigns, to create and plan gender oriented policies that will lead the federal government, and other sectors of government, to undertake actions aimed at the promotion of equality, to create, promote and execute joint cooperation programs with national, international, public or private organizations that promote the implementation of policies for women, to follow-up the implementation of affirmative action legislation and to identify public actions that lead to compliance with agreements, conventions and action plans signed by Brazil within the scope of equality between men and women and the combat against discrimination, structurally based on the National Women's Rights Council , the Cabinet and up to three Under Secretariats.

Art. 23. (Revoked By Law 11.958 from 2009)

Art. 24. It is the competence of the Special Secretariat for Human Rights to provide prompt and direct assistance to the President of the Republic in the conceptualization of policies and

directives aimed at the promotion of the rights of citizens, children, adolescents, the aged and of any minority, as well as to promote the safeguarding of the rights of individuals with deficiencies and their integration with community life, and to coordinate the national human rights policy according to the directives set by the National Human Rights Program (PNDH), to undertake and support government, Executive Branch, Legislative and Judiciary and social programs for the protection and promotion of human rights on a national level and to take the role of national ombudsman for the rights of children, adolescents, the aged and minorities. (Text provided by Law 11.958 from 2009)

§1 It is also the competence of the Special Secretariat for Human Rights, while not jeopardizing the duties placed on the organs that compose the National Drug Public Policy System (SISNAD), to act in favor of the social reintegration and protection of chemical addiction victims. (Included by Law 11.958 from 2009)

§2 The Special Secretariat for Human Rights is structurally based on the Human Rights Defense Council, the National Council for the Combat Against Discrimination, the National Council for the Rights of Children and Adolescents, the National Council for the Rights of the Handicapped, the National Council for the Rights of Aged People, the Cabinet, the Deputy Secretariat, the National Ombudsman Department, and up to 4 (four) Sub-Secretariats. (included by Law 11.958 from 2009)

Art. 24-A It is the competence of the Special Harbor Secretariat to provide prompt and direct assistance to the President of the Republic in the creation of policies and directives aimed at the development and fomentation of the harbor sector and of maritime harbor terminals and in particular, to promote the execution and the evaluation of measures, programs and projects that lead to the development of harbor and maritime terminal infrastructures and superstructures as well as of facilities awarded/leased to dock exploiting companies. (included by Law 11.518 from 2007)

§1 The Special Harbor Secretariat is structurally based on the Cabinet, the National Institute for Maritime Research (INHP) and up to 2 (two) Sub-Secretariats. (Included by Law 11.518 from 2007)

§2 The areas of competence of the Special Harbor Secretariat mentioned in the heading of this article, also include:

1 – the creation, coordination and supervision of national policies; (Included by Law 11.518 from 2007)

2 – participation in the strategic planning process, the establishment of directives for its implementation and the definition of priorities for investment programs; (included by Law 11.518 from 2007)

3 – the approval of plans presented by concessionaires; (Included by Law 11.518 from 2007)

4 – the setting of directives for the Brazilian representations in international organizations and in conventions, agreements and treaties that fall under the competence mentioned in the heading of this article; and (Included by Law 11.518 from 2007)

5 – the development of harbor and harbor terminal infrastructure and superstructure that fall under its remit, aimed at the improvement of safety and efficiency for the waterway transportation of passengers and cargo. (Included by Law 11.518 from 2007)

§3 The Special Harbor Secretariat, while fulfilling the areas of competence foreseen in the heading of this article, must also comply with the specific prerogatives attributed to Navy Command. (included by Law 11.518 from 2007)

§4 (VETOED) (Included by Law 11.518 from 2007)

Art. 24-B. It is the competence of the President of the Republic's Strategic Affairs Secretariat to provide prompt and direct assistance to the President of the Republic regarding national planning and provide support for the creation of long term public policies for national development. (Included by Law 11.754 from 2008)

§1 The Strategic Affairs Secretariat is structurally based on the Cabinet, the Executive Under Directorate and up to 2 (two) Secretariats. (Included by Law 11.754 from 2008)

§2 The areas of competence of the Strategic Affairs Secretariat set in the heading of this article, include: (Included by Law 11.754 from 2008)

1 – the establishment of long term plans on a national level; (Included by Law 11.754 from 2008)

2 – present facts related to the National strategic options taking into consideration current situation and future alternatives; (Included by Law 11.754 from 2008)

3 – interaction with the government and society in general for the development of long term national strategies; and (Included by Law 11.754 from 2008)

4 – to assist the government in the preparation of governmental actions in general. (Included by Law 11.754 from 2008)

## CHAPTER 2

### THE MINISTERS

#### Part 1

#### Denomination

Art. 25. The Ministries:

1 – Agriculture, Livestock and Food Supply;

2 – Social Development and Combat Against Hunger; (Text provided by Law 10.869 from 2004)

3 – Cities;

4 – Science and Technology;

5 – Communications;

6 – Culture;

7 – Defense;

8 – Agrarian Development;

9 – Development, Industry and Foreign Trade;

10 - Education;

11 – Sports;

12 – Finance;

13 – National Integration;

14 – Justice;

15 – Environment;

16 – Mines and Energy;

17 – Planing, Budget and Management;

18 – Social Welfare;

19 – Foreign Affairs;

20 – Health;

21 – Labor;

22 – Transportation;

23 – Tourism; (Text provided by Law 11.958 from 2009)

24 – Fisheries and Aquaculture; (Text provided by Law 11.958 from 2009)

Single paragraph. The State Ministers are the heads of the Ministries, the Civil House, the Presidency of the Republic, the Head of the Presidency of the Republic's Institutional Security Cabinet, the Head of the Presidency of the Republic's General Secretariat, the Head of the Presidency of the Republic's Institutional Affairs Secretariat, the Head of the Presidency of the Republic's Social Information Secretariat, the Head of the Presidency of the Republic's Strategic Affairs Secretariat, the Head of the Special Secretariat for the Promotion of Racial Equality Policies, the Federal General Attorney, the State Minister for Control and Transparency and the President of the Brazilian Central Bank. (Text provided by Law 11.958 from 2009)

Art. 26. (Revoked by Law 10.869 from 2004)

§1 It is the duty of the Extraordinary Minister for Food Safety and the Combat Against Hunger to:

1 – to formulate and coordinate the implementation of the National Food and Nutritional Safety Policy aimed at the safeguarding of the human right to food within the national territory;

2 – to include the participation of civil society in the establishment of directives for the National Food and Nutritional Safety Policy.

3 – to promote the flow of information between policies and programs run by the federal, state and municipal governments as well as with other civil society initiatives linked to the production food, nourishment and nutrition;

4 – to set directives for, supervise and follow-up the implementation of programs within the scope of the National Food and Nutritional Safety Policy.

§2 The Cabinet of the Extraordinary Minister for Food and Nutritional Safety and the Combat Against Hunger is based on a structured composed by the Council of the Community Solidarity Program, the Executive Secretariat of the Community Solidarity Program and up to two

Secretariats.

§3 The Community Solidarity Program, created by art. 12 of Law 9.649 from May 27, 1998, is directly linked to the Cabinet of the Extraordinary Minister for Food and Nutritional Safety and the Combat Against Hunger.

§4 The composition and areas of competence of the Council of the Community Solidarity Program are decided by the Executive Branch.

## Part 2

### Areas of Competence

Art. 27. The areas of competence of Ministries are:

1 – Ministry of Agriculture, Livestock and Food Supply:

- a) agricultural policies, production and commercialization, supplies, storing and minimum price warranties;
- b) production and stimulation of the agrarian-cattle sectors, including horticultural activities;
- c) agrarian-cattle market, commercialization and supply, including regulations and strategic stocks ;
- d) agricultural information;
- e) animal and vegetation sanitation;
- f) fiscal control of revenue invested in agrarian-livestock and in service providing activities within the sector;
- g) classification and inspection of products and animal and vegetable derivate products, including actions to support initiatives by the Ministry of Finance within the foreign trade sector;
- h) soil protection, conservation and management aimed at strengthening the agriculture and cattle

production processes;

i) scientific research in the areas of agriculture and livestock;

j) meteorology and climatology;

l) rural cooperatives and associations;

m) rural energy supplies, agrarian-energy, including rural electrification;

n) technical assistance and rural extension;

o) coffee, sugar and alcohol policies;

p) planning and execution of governmental actions within the forestry industrial sector;

2 – Ministry of Social Development and Combat Against Hunger; (Text provided by Law 10.869 from 2004)

a) national policy for social development; (Text provided by Law 10.869 from 2004)

b) national policy for food and nutritional safety; (Text provided by Law 10.869 from 2004)

c) national social security policy; (Text provided by Law 10.869 from 2004)

d) national policy for citizen income/revenue; (Text provided by Law 10.869 from 2004)

e) set directives for national policies aimed at social development, food and nutritional safety, citizen income/revenue and social security in cooperation with the federal, Federal District of Brasilia and municipal governments as well as with civil society in general. (Text provided by Law 10.869 from 2004)

f) to foment synergies between the federal, Federal District of Brasilia and municipal government programs and the actions undertaken by civil society linked to social development, food production, nourishment and nutrition, citizen income/revenue and social security; (Text provided by Law 10.869 from 2004)



g) to lead, follow-up and evaluate and supervise plans, programs and projects in the areas of social development, food and nutritional safety, citizen income/revenue and social security; (Text provided by Law 10.869 from 2004)

h) to lead, set norms, supervise and evaluate the execution of social development, food and nutritional safety, citizen income and social welfare policies; (Text provided by Law 10.869 from 2004)

i) to manage the National Social Security Fund; (Text provided by Law 10.869 from 2004)

j) to coordinate, supervise, control and evaluate matters related to income transference operations; (Text provided by Law 10.869 from 2004)

### 3 – Ministry of Cities:

a) urban development policies;

b) regional policies for housing, environmental sanitation, urban transportation and traffic;

c) to promote actions and programs related to urbanization, housing, basic and environmental sanitation, urban transportation, traffic and urban development, in cooperation with the different sectors of the government and non-governmental organizations;

d) to support policies for popular housing, sanitation and urban transportation;

e) the planing of regulations, norms and management of resource funds allocated for policies related to urban development, urbanization, housing, basic and environmental sanitation, urban transportation and traffic;

f) participation in the conceptualization of general directives for the conservation of urban water supply systems as well as the adoption of hydro graphic basins as a basic element for the planing and management of sanitation;

### 4 – Ministry of Science and Technology:

a) create national policies for scientific and technological research;

b) the planing, coordination, supervision and control of scientific and technological activities;

c) create policies for the development of IT technology and

d) the national bio-safety policy;

e) space policy;

f) nuclear policy;

g) control the export of sensitive goods and services;

5 – Ministry of Communications:

a) national telecommunication policy;

b) national broadcasting policy;

c) postal, telecommunication and broadcasting services;

6 – Ministry of Culture:

a) national cultural policy;

b) protection of the historical and cultural patrimony;

c) delimitation of land with links to the “quilombo” communities as well as to decide on the land demarcation for the above mentioned communities that will be officially approved through an Executive Order(s) (see Executive Order 4.883 from November 20, 2003)

7 – Ministry of Defense:

a) national defense policies;

b) military strategy and policies;

c) military employment policies and planing of the Armed Forces;

- d) special interest projects related to national defense;
- e) strategic and operational intelligence in the interest of national defense;
- f) military operations by the Armed Forces;
- g) the international relations of the Armed Forces;
- h) defense budget;
- i) military legislation;
- j) national mobilization policies;
- l) Armed Forces science and technology policies;
- m) development of social communication policies for the Armed Forces;
- n) policies related to the remuneration of military personnel and retirees;
- o) national policies related to the export of military armament, promotion of research and development activities, production and exportation within areas of interest for national defense and control over the exportation of conventional war material;
- p) the use of the Armed Forces, when applicable, for the safeguarding of law and order and at the preservation of public order, the safety of individuals, of the national patrimony, as well as the cooperation with national development and civil defense organizations and lend support to the combat against international trans-border and environmental crimes;
- q) military logistics;
- r) military service;
- s) health, social and religious assistance to the Armed Forces;
- t) creation, organization, efficacy, management and improvement of the naval, land and air forces;

u) national maritime policies;

v) safety of air and waterway navigation and traffic and the safeguarding of human lives at sea;

x) national aeronautics policies and participation in the creation of a national policy for the development of aerospace activities.

z) infrastructures for aerospace, aeronautics and airports;

8 – Ministry of Agrarian Development:

a) agrarian reform;

b) promote the sustainable development of the rural sector formed by family farmers;

9 – Ministry of Development, Industry and Foreign Trade:

a) policies for the development of the Industry, trade and services;

b) intellectual property and technology transfer;

c) metrology, standardization and industrial quality;

d) foreign trade policies;

e) regulation and execution of programs and activities related to foreign trade;

f) use of commercial defense tools;

g) participation in international foreign trade negotiations;

h) conceptualization of support policies for micro-enterprises, small enterprises and handicrafts;

i) commercial registration;

10 – Ministry of Education:

a) national education policies;

b) children's education;

c) education in general, with the exception of military education, including basic education, medium education, superior education, youth education, professional education, special education and distance education.

d) educational evaluation, information and research;

e) research and universities;

f) masters degrees;

g) financial assistance for the schooling of children or other poor family dependents;

11 – Ministry of Sports:

a) national policies for the development of sports related practices;

b) cooperation with public and private, national or international organizations, that sponsor the fomentation of sport activities;

c) lend support to public and private sports related initiatives and incentive activities;

d) planing, coordination, supervision and evaluation of sports plans and programs and other actions that further the democratization of sports practices and social inclusion through sport;

12 – Finance Ministry:

a) money, credit, financial institutions, capitalization, popular savings, private insurances and the open private medical care system;

b) policies, administration, inspections and tax and customs revenue collection;

- c) financial administration and public accounting;
- d) administration of the national foreign public debt;
- e) financial and economic negotiations with governments, multilateral organizations and governmental agencies;
- f) prices in general as well as public and administrative taxes;
- g) foreign trade inspection and control;
- h) undertake studies and research on economic conjuncture(s);
- i) grant authorizations, without jeopardizing the competence of the National Monetary Council:
  1. for the free distribution of marketing prizes as long as it is made through a draw, a prize-check, contest or similar distribution;
  2. for consortium operations, mutual funds and other similar associative forms aimed at the acquisition of goods of any kind;
  3. the sale of, or intent to sell, retail goods, through a public offering and with anticipated down-payment, partial or total;
  4. the sale, or intent to sell, rights including ownership quotas of private properties such as hospitals, motels, clubs, hotels, recreation centers or lodgings and the organization of services of any nature with or without pro-rata apportionment for maintenance expenses, through a public offering and with advance cost payment.
  5. the sale, or intent to sell, land allotments in installments through a draw;
  6. any other form of anticipated use of popular savings, through a commitment for a counter consideration in goods, rights or services of any nature;
  7. the exploitation of lotteries, including **Sweepstakes** and other forms of lotteries carried out by horse racing promoters;

- a) the formulation and enactment of an integrated national development policy;
- b) the formulation of regional development plans and programs;
- c) the creation of strategies for the integration of regional economies;
- d) the creation of directives and the setting of priorities for the use of financial program resources as provisioned in line C of subsection I of art. 159 of the Federal Constitution;
- e) the creation of directives and the setting of priorities for the use of resources in the Amazonian Development Fund and the Northeast Development Fund;
- f) the establishment of norms for compliance with the financial programs of constitutional funds and the budgetary planing of regional investment funds;
- g) to follow-up and evaluate the programs for an integrated national development;
- h) civil defense;
- i) construction of infrastructures to combat droughts and watter supply infrastructures;
- j) creation and enactment of the national irrigation policy;
- l) territorial management;
- m) public construction along national borders;

14 – Justice Ministry:

- a) the safeguarding of the juridical order, of political rights and of constitutional provisions;
- b) judiciary policies;
- c) safeguard the rights of native Indians;
- d) narcotics, public safety, Federal Police, Federal Road and Railway networks and the Federal

District of Brasilia;

- e) the safeguarding of the national financial order and of consumer rights;
- f) the planing, coordination and administration of the national penitentiary policy;
- g) nationality, immigration and foreign citizens;
- h) the General Ombudsman Bureau for native Indians and for consumers;
- i) the Federal Police's Ombudsman;
- j) legal assistance, judicial and extra-judicial, integral and free of cost, to those in need and considered as such by the law;
- l) the safeguarding of goods and Federal properties as well as those belonging to the entities that form the indirect Federal Public Administration sector;
- m) to create, integrate and propose Government action in areas related to the repression and the undue use of narcotic substances, illegal traffic and the non-authorized production of narcotic substances and drugs that lead to physical or psychological dependence;

15 – Environment Ministry:

- a) the national environment and watter resource policies;
- b) the policy for the preservation, conservation and sustainable use of the ecosystem, biodiversity and forests;
- c) to present strategic proposals, tools and economic and social measures that lead to an improvement of the quality of the environmental and to the sustainable exploitation of natural resources;
- d) policies that lead to the integration of environmental policies with production practices;
- e) policies and environmental programs for a Legal Amazon;



f) ecological-economical zone demarcation;

16 – Ministry of Mines and Energy:

a) geology, mineral and energy resources;

b) the use of hydraulic energy;

c) mining and the metallurgical industry;

d) oil, combustibles and electric energy, including nuclear energy;

17 – Ministry of Planning, Budget and Management:

a) participation in the conceptualization of national strategic planning;

b) evaluation of the socio-economic impact of Federal Government policies and programs and the creation of specialized studies for the reformulation of policies;

c) undertake studies and research that forward the follow-up process of socio-economic conjunctures and the management of the national cartographic and statistics systems;

d) creation, follow-up and evaluation of the multi-annual investment plan and yearly budgets;

e) the identification of new sources of revenue for government plans;

f) to set directives, coordinate negotiations, follow-up and evaluate public projects carried out with multilateral organizations and governmental agencies and financed with external resources;

g) coordination and management of the federal planning and budgetary systems, of legal entities and organizations as well as activities related to administrative modernization, administration of information resources, information technology and services in general;

h) the formulation of directives and the coordination and the definition of criteria for governmental management of corporative federal/state enterprises; (text provided by Law 11.754 from 2008)

i) (Revoked by Law 10.869 from 2004)

j) administration of the public patrimony;

l) policies and directives aimed at the modernization of the State;

#### 18 – Social Security Ministry

a) social security services;

c) complementary social security measures;

#### 19 – Ministry of Foreign Affairs

a) international politics;

b) diplomatic relations and consular services;

c) participation in commercial, economic, technical and cultural negotiations with foreign governments and entities;

d) international cooperation programs;

e) provide support to delegations, committees and Brazilian representations working with international and multilateral organizations and agencies;

#### 20 – Health Ministry:

a) national health policy;

b) coordination and inspection of the Single Health System;

c) environmental health and actions to promote, protect and recuperate the individual and collective health, including workers and native Indians;

d) health related information;

e) channeling of resources that are critical for public health;

f) general disease prevention activities, vigilance and sanitary/health control at border crossings, airports and at river and sea harbors;

g) health vigilance, particularly in respect to drugs, medicines and food;

h) public health related scientific and technological research.

21 – Ministry of Labor:

a) creation of policies and directives aimed at the creation of jobs, income and revenue as well as for worker related assistance;

b) creation of policies and directives aimed at the modernization of work relations;

c) labor inspection, including labor activities in harbors, as well as the enforcement of sanctions foreseen in legal or collective norms;

d) salary policies;

e) professional development/empowerment and education;

f) safety and health at the workplace;

g) immigration policy;

h) urban cooperatives and associations;

22 – Transportation Ministry:

a) national road, railway and river-way transportation;

b) merchant navy, waterways and river and lake harbors with the exception of those leased to dock companies; (Text provided by Law 11.518 from 2007)

c) participation in the coordination of air transportation and harbor services: (text provided by Law 11.518 from 2007)

23 – Ministry of Tourism:

- a) national policy for the development of tourism;
- b) national and international promotion/marketing of national tourism;
- c) support to public and private initiatives that promote tourism activities;
- d) planning, coordination, supervision and evaluation of plans and programs for the promotion of tourism;
- e) management of the General Tourism Fund;
- f) to develop the Brazilian Certification and Classification System for tourism providing activities, enterprises and equipment;

24 – Ministry of Fisheries and Aquaculture: (Included through law 11.958 from 2009)

- a) national fishing and aquaculture policies including the production, transportation, profitability, transformation, commercialization, energy supply and storage; (Included through law 11.958 from 2009)
- b) promote and provide incentives for fishery and aquaculture production; (Included through law 11.958 from 2009)
- c) creation of an infrastructure that lends support to the production, profitability and the commercialization of fish and the promotion of fishing and aquaculture in general: (Included through law 11.958 from 2009)
- d) organization and maintenance of the General Fishing Registry; (Included through law 11.958 from 2009)
- e) fishery and aquaculture sanitation; (Included through law 11.958 from 2009)
- f) establish regulations for fishing and aquaculture activities; (Included through law 11.958 from 2009)
- g) inspection of fishing and aquaculture activities within the scope of the ministry's competence and

attributions;

h) concession the following licenses, permits and authorizations for aquaculture activities and for fishing practices within the national territory which includes continental and internal waters as well as the territorial waters of the Continental Platform, the Exclusive Economic Zone, adjacent waters and international waters, excluding the Federal Conservation Areas and without jeopardizing environmental licenses foreseen in current legislation: (Included through law 11.958 from 2009)

1) commercial fishing including, industrial as well as individual/family fishing; (Included through law 11.958 from 2009)

2) fishing of ornamental species; (Included through law 11.958 from 2009)

3) subsistence fishing; (Included through law 11.958 from 2009)

4) amateur or sport fishing; (Included through law 11.958 from 2009)

i) to grant authorizations for the leasing of foreign fishing vessels and their operations, conditioned to the sustainability limitations jointly established with the Environment Ministry; (Included through law 11.958 from 2009)

j) manage operations for the concession of economic subsidies related to the price of diesel oil, instituted through Law 9.445 form March 14, 1997; (Included through law 11.958 from 2009)

l) fishing and aquaculture research; and (Included through law 11.958 from 2009)

m) provide the Environment Ministry with data from the General Fishing Registry containing data on issued fishing and aquaculture licenses, permits and authorizations for the subsequent inclusion of license holders in the Federal Technical Registry of Potentially Polluting and Demanding Environmental Activities. (Included through law 11.958 from 2009)

§ 1 The president of the Republic will, in cases of public calamity or which demand provisions for the special care of the population, decide on the level of cooperation between the Ministries and the various levels of Public Administration.

§2 The competence that is the subject of line **m** of subsection 1 will be exercised by the Ministry of Agriculture Livestock and Food Supply, when financed through resources originating from the General Federal Budget, and by the Ministry of Mines and Energy if financed with resources linked to the National Electricity System.

§3 The competence attributed to the Ministry of National Integration that is the subject of line 1 of subsection 8 will be jointly exercised with the Defense Ministry.

§4 The competence attributed to the Environment Ministry that is the subject of line *f* of subsection 15 will be jointly exercised with the Ministries of Agriculture, Livestock and Food Supply; of Development, Industry and Foreign Trade; of National Integration; and of Fisheries and Aquaculture. (Text provided by Law 11.958 from 2009)

§5 The competence attributed to the Ministry of Justice in relation to native Indians that is the subject of line *c* of subsection 14 includes the follow-up process of actions aimed at the improvement of native Indian communities.

§6 It is the joint duty of the Ministries of Fisheries and Aquaculture and of the Environment, under the coordination of the Ministry of Fisheries and Aquaculture, to assess the various factors related to the sustainable exploitation of fishing resources: (Text provided by Law 11.958 from 2009)

1 – to set norms, criteria, standards and measures for the sustainable use of fishing resources, based on the best existing scientific data and according to current regulations; and (Text provided by Law 11.958 from 2005) (See Law 11.958 from 2009)

2 – to support, assist and participate, through joint interaction with the Ministry of Foreign Affairs, in negotiations and events related to the granting of rights/licenses and to uphold national interests related to fishing and aquaculture practices. (Text provided by Law 11.958 from 2009)

§7 It is the duty of the Federal Police Department, even if through needed police intervention, to inhibit the jeopardizing and robbery of Federal goods and property as well as those belonging to the indirect Federal Public Administration, sector, and taking into consideration the responsibility placed on the State Military Police for the safeguarding of public order.

§8 The competence attributed to the Ministry of Transportation in lines **a** and **b** of subsection 22 include:

1 – the creation, coordination and supervision of national policies;

2 – participation in the strategic planning process, the setting of directives for their implementation and the definition of priorities for investment programs;

3 – the approval of concessions;

4 – the setting of directives for Brazilian representations in international transportation

organizations, conventions, agreements and treaties;

5 – the creation, and performance evaluation, of policies related to the Merchant Marine Fund, whose objective is the renovation, recuperation and broadening of the national merchant fleet, in cooperation with the Ministry of Finance, the Ministry of Development, Industry and Foreign Trade and the Ministry of Planning, Budget and Management;

6 – the setting of directives for the leasing of foreign ships by Brazilian companies active within the navigation sector and for the liberation of prescribed cargo transports.

§9 the competences of the Finance Ministry and the Federal Savings Bank foreseen in art. 18B of Law 9.649 from May 27, 1998 are hereby upheld through the text provided by Provisional Writ 2.216-37 from August 31, 2001.

§10 It also the competence of the Ministry of Justice, through the Federal Police, to perform river inspections according to the text of subsection 2 of §1 of art. 144 of the Federal Constitution.

§11 The competence attributed to the Ministry of Agriculture, Livestock and Food Supply that is the subject of line **n**, subsection 1, is also exercised by the Ministry for Agrarian Development within its remit.

§12 The competence referred to in line *g* of subsection 24 of the heading does not exclude the exercise of power by the environmental police of the Brazilian Environment and Natural Renewable Resources Institute (IBAMA). (Included through Law 11.958 from 2009)

§13 It is the duty of the Ministry of Fisheries and Aquaculture to forward to the Brazilian Environment and Natural Renewable Resources Institute (IBAMA) 50% (fifty percent) of collected taxes to cover costs of inspection activities related to fishing and aquaculture. (Included through Law 11.958 from 2009)

### Part 3

#### Organs that are common to the Civil Ministries

Art. 28. The basic structure of each Ministry includes:

1 – An Executive Secretariat with the exception of the Ministries of Defense and Foreign Affairs;

2 – The Cabinet of the Minister;

3 – A Legal Counseling department, with the exception of the Finance Ministry.

§1 The Legal Counseling functions at the Finance Ministry will be performed by the General Attorney of the National Public Treasury according to the provisions contained in art. 13 of Complementary Law 73 from February 10, 1993.

§2 It is the duty of the Executive Secretary that is the title holder referred to in subsection 1, to not only supervise and coordinate the Secretariats that form the structure of the Ministry but also to fulfill the commitments imposed by the State Minister.

§3 The basic structure of the Ministries can also include an organ, linked to the Executive Secretariat, that is responsible for the administration of personnel, material goods, patrimony, general services, budget, finances, accounting and information technology.

## Part 4

### Specific organs

Art. 29. The basic structure:

1 – the Ministry of Agriculture, Livestock and Food Supply also includes the National Council for Agricultural Policies, the Deliberative Council for Coffee Policies, the Special Resource Commission, the The Executive Cocoa Harvest Commission, the National Meteorology Institute and up to five Secretariats;

2 – the Ministry for Social Development and Combat Against Hunger also includes the National Social Security Council, The Council for the Creation of Social Programs, the Managing Council of the Bolsa Familia (Family Subsidy) Program and up to five Secretariats; (Text provided by Law 10.869 from 2004)

3 – the Ministry of Cities also includes the Curator Council of the Fund for Social Development, the Council of Cities, the National Traffic Council, up to four Secretariats and the National Traffic Department.

4 – the Ministry of Science and Technology also includes the National Science and Technology Council, the National Council for Information Technology and Automation, the Commission for the Coordination of Meteorology, Climatology and Hydrology, the National Space Research Institute, the National Amazonian Research Institute, the National Technology Institute, the Brazilian Science and Technology Information Institute, the National Semi-Arid Institute (INSA), the Renato Archer Research Institute, the Brazilian Center for Physics Research, the Mineral Technology Center, the National Astrophysics Laboratory, the National Laboratory for Scientific Computation, The Science and Astronomy Museum, the Pará State Emilio Goeldi Museum, the National



Observatory, the National Technical Commission for Bio-safety and up to 4 (four) Secretariats. (Text provided by Law 10.860 from 2004)

5 – the Ministry of Communications also includes up to three Secretariats;

6 – the Ministry of Culture also includes the National Culture Policy Council, the National Commission for the Promotion of Culture and up to six Secretariats;

7 – the Ministry of Defense also includes the Civil Aviation Council, the Military Defense Council, the Navy Command, the Army Command, the Aeronautics Command, the Defense Command Staff, the War Academy, the Armed Forces Hospital, the Armed Forces Categorization Center, the Brazilian Representation in the Inter-American Defense Board, up to four Secretariats and an organ for Internal Control;

8 – the Ministry for Agrarian Development also includes the National Council for the Sustainable Development of Rural Areas, the Curator Council of the Banco da Terra and up to three Secretariats;

9 – the Ministry of Development, Industry and Foreign Trade also includes the National Metrology, Standardization and Industrial Quality Council, the National Council for Export Production Zones and up to four Secretariats;

10 – the Ministry of Education also includes the National Education Council, the Benjamin Constant Institute, the National Institute for the Education of the Deaf and up to seven Secretariats;

11 – the Sports Ministry also includes the National Sports Council and up to three Secretariats;

12 – the Finance Ministry also includes the National Monetary Council, The National Council for Financial Policies, the Resource Council of the National Finance System, the National Private Insurance Council, the Resource Council of the National Private Insurers, the Open Private Security Insurance and Capitalization System, the Financial Activities Control Council, the High Chamber for Fiscal Resources, the 1st, 2<sup>nd</sup> and 3<sup>rd</sup> Council of Contributors, the Management Council of the Export Guarantee Fund (CFGE), the Brazilian Nomenclature Committee, the Foreign Credit Evaluation Committee, the Secretariat of the Brazilian Internal Revenue Service, the General Attorney of National Public Finances, the Public Finance Administration School and up to 5 (five) Secretariats; (Text provided by Law 11.457 from 2007)

13 – the National Integration Ministry also includes the Deliberative Council of the Center-West Constitutional Finance Fund, the Administrative Council for the Development of the Integrated Region of the Federal District and Surrounding Areas, the National Civil Defense Council, the Deliberative Council for the Development of the Amazon, the Deliberative Council for the Development of the Northeast, the Executive Group for the Economic Recuperation of the Espirito Santo State and up to five Secretariats;

14 – the Ministry of Justice also includes the National Council for Criminal and Penitentiary Policies, the National Public Security Council, the Managing Council of the Fund for the Safeguarding of Diffuse Rights, the National Council for the Combat Against Piracy and Intellectual Property Crimes, the Federal Police Department, the Federal Road Police Department, the Federal Railway Police Department, The Federal Public Defender and up to 5 (five) Secretariats; (Text provided by Law 11.075 from 2004)

15 – the Environment Ministry also includes the National Environment Council, the National Legal Amazon Council, the National Water Resource Council, the National Genetic Patrimony Council, the Deliberative Council of the National Environment Fund, the Brazilian Forest Services, the Public Forest Management Commission and up to 5 (five) Secretariats; (Text provided by Law 11.284 from 2006)

16 – the Ministry of Mines and Energy also includes up to five Secretariats;

17 – the Ministry of Planning, Budget and Management also includes the Foreign Finance Commission, the Assistance Finance Bureau and up to seven Secretariats;

18 – the Ministry of Social Security also includes the National Social Security Council, the Social Security Resource Council, the Management Council for Complementary Security and up to 2 (two) Secretariats; (Text provided by Law 11.457 from 2007)

19 – the Ministry of Foreign Affairs also includes Ceremony, the Secretariat for Diplomatic Planning, the Foreign Services General Inspection Department, the General Secretariat for Foreign Affairs which is composed of up to 7 (seven) Secretariats, the Internal Control Secretariat, the Rio Branco Institute, the permanent diplomatic missions, the consular departments, the Foreign Policy Council and the Promotion Commission; (Text provided by Law 11.314 from 2006)

20 – the Health Ministry also includes the National Health Council, the National Supplementary Health Council and up to five Secretariats;

21 – the Ministry of Labor also includes the National Labor Council, the National Immigration Council, the Curator Council of the Unemployment Guarantee Fund, the Deliberative Council of the Workers Assistance Fund, the National Economic Solidarity Council and up to four Secretariats;

22 – the Ministry of Transportation also includes up to three Secretariats;

23 – the Tourism Ministry also includes the National Tourism Council and up to two Secretariats;

24 – the Ministry of Fisheries and Aquaculture also includes the National Fishing and Aquaculture Council and up to 4 (four) Secretariats. (Included through Law 11.958 from 2009)

§1 The Foreign Affairs Policy Council referred to in subsection 19 will be presided by the State Minister for Foreign Affairs and will be composed by the General Secretary, the General Under Secretaries of the General Foreign Affairs Secretariat and by the Head of the Cabinet of the State Minister for Foreign Affairs.

§2 The collegiate organs that constitute the structure of the Ministry of Labor, with the exception of the National Economic Solidarity Council, will have a tripartite composition while complying with the proportional parity between labor and employer representatives according to the composition established by the Executive Branch.

§3 It is the duty of the Civil Aviation Council, which is presided by the Minister of State for Defense, composed according to Executive Branch regulations, to propose policies related to the civil aviation sector while observing the provisions of Complementary Law 97 from September 6, 1999.

§4 It is the duty of the Council for the Formulation of Social Programs, presided by the State Minister for Social Development and the Combat Against Hunger, composed according to Executive Branch regulations, to propose tools for the conceptualization and integration of social programs and to follow their implementation. (Text provided by Law 10.869 from 2004)

§5 The placement of the Foreign Trade Chamber, that is the subject of art. 20B of Law 9.649 from May 27, 1998 and based on the text of Provisional Writ 2.216-37 from October 31st, 2001, will be decided through a definition contained in an Executive Branch act.

§6 The addition of one Secretariat for the Ministries of Communications, Defense, Education, Health and Labor and with two Secretariats for the Ministry of Culture and with one Under Secretariat for the Ministry of Foreign Affairs must be accomplished without further costs, while observing the maximum limit included in subsections 5, 6, 7, 10, 19, 20 and 21.

§7 It is the duty of the National Council for Fisheries and Aquaculture, presided by the State Minister for Fisheries and Aquaculture, composed according to Executive Branch regulations, to assist in the creation of a national policy for fisheries and aquaculture, to propose directives aimed at the development and fomentation of fishery and aquaculture production, evaluate the directives for the development of an action plan for fisheries and aquaculture and to propose measures aimed at safeguarding the sustainability of fishing and aquaculture activities. (Included through Law 11.958 from 2009)

### CHAPTER 3

#### CHANGE, TRANSFERENCE AND TERMINATION

#### AND THE CREATION OF ORGANS AND POSITIONS

Art. 30. The following organs are hereby created:

1 – the Economic and Social Development Council;

2 – the National Council for Food and Nutritional Safety;

3 – the Special Assistance Office of the President of the Republic;

4 – the Presidency of the Republic's Press and Information Secretariat;

5 – (Revoked by Law 11.204 from 2005)

6 - (Revoked by Law 11.204 from 2005)

7 - (Revoked by Law 11.204 from 2005)

8 – the Council for the Creation of Social Programs;

9 – the National Fishery and Aquaculture Council;

10 – the Ministry of Tourism;

11 – the Council for Public Transparency and Combat Against Corruption;

12 – the National Council for the Promotion of the Human Right to Food;

13 – the National Economic Solidarity Council;

14 – the National Council for the Combat Against Piracy and Intellectual Property Crimes.  
(Included through Law 11.075 from 2004)

Single paragraph. The Executive Branch will regulate the composition and functions of the Councils referred to in subsections 1,2,8,9,11, 12 13 and 14. (Text provided by Law 11.075 from 2004)

Art. 31. Are hereby changed:

1 – the Cabinet of the President of the Republic is changed to Personal Cabinet of the President of the Republic;

2 – the State Secretariat for Government Information is changed to The Presidency of the Republic's Secretariat for Government Information and Strategic Management;

3 – The General Audit Office and its General Under-Audit Office, are respectively changed to Federal General Comptrollers Office and Federal General Under-Comptroller Office and will keep their respective Auditing Offices;

4 – the State Secretariat for Women's Rights within the Ministry of Justice is changed to the Presidency of the Republic's Special Secretariat for Women Policies;

5 – the State Secretariat for Human Rights within the Ministry of Justice is changed to the Presidency of the Republic's Special Secretariat for Human Rights;

6 – the Ministry of Sports and Tourism is changed to Ministry of Sports;

7 – the State Secretariat for Social Security is changed to Ministry of Social Security;

8 – the Presidency of the Republic's Special Secretariat for Urban Development is changed to Ministry of Cities;

9 – the Ministry of Welfare and Social Security is changed to Minister of Social Welfare;

10 – the National Development Council is changed to Council of Cities;

Art. 32. Competence is hereby transferred:

1 – Competence related to Governmental political coordination, the relations with the National Congress and States, the Federal District of Brasilia and Municipalities and political parties is transferred from the General Secretariat of the Presidency of the Republic to the Presidency of the Republic's Civil House;

2 – The competence of the Solidarity Community Program is transferred from the Presidency of the Republic's Civil House to the Cabinet of the Extraordinary State Minister for Food Safety and the Combat Against Hunger;

3 – The competence of the Press and Information Secretariat of the Cabinet of the Presidency of the

Republic is transferred to the Presidency of the Republic's Press and Information Secretariat;

4 – The competence of the Special Assistance Office of the Cabinet of the President of the Republic is transferred to the Special Assistance Office to the President of the Republic;

5 – The competence of the President of the Republic's Press Secretary is transferred to Presidency of the Republic's Press Secretariat;

6 – Competences related to fishing and aquaculture are transferred from the Ministry of Agriculture, Livestock and Food Supply to the Special Secretariat for Fisheries and Aquaculture;

7 – Competences related to tourism are transferred from the Ministry of Sports and Tourism to the Ministry of Tourism;

8 – Competences related to Social Security are transferred from the Ministry of Welfare and Social Security to the Ministry of Social Security;

9 – Competences related to the rights of citizens, children, adolescents, the aged, minorities and persons with physical deficiencies as well as the promotion of their integration with community life, and the competence of the human rights ombudsman are transferred from the Ministry of Justice to the Presidency of the Republic's Special Human Rights Secretariat;

10 – Competences related to traffic are transferred from the Ministry of Justice to the Ministry of Cities;

11 – Competences related to urban transportation are transferred from the Ministry of Transportation to the Ministry of Cities.

Art. 33. Are transferred:

1 – the Council of the Community Solidarity Program and its Executive Secretariat are transferred from the Presidency of the Republic's Civil House to the Cabinet of the Extraordinary State Minister for Food and Nutritional Safety and the Combat Against Hunger;

2 – the Secretariat for Federal Affairs and the Secretariat for Parliamentary Affairs are transferred from the Presidency of the Republic's General Secretariat to the Civil House of the Presidency of the Republic and are re-named to Under Directorate for Federal Affairs and Under Directorate for Parliamentary Affairs respectively;

3 – the Fisheries and Aquaculture Department of the Secretariat for Rural and Cooperative Support

at the Ministry of Agriculture, Livestock and Food Supply is transferred to the Presidency of the Republic's Special Secretariat for Fisheries and Aquaculture;

4 – the National Social Security Council is transferred from the Ministry of Welfare and Social Security to the Ministry of Social Security;

5 – the the Ministry of Justice's National Council for Women's Rights is transferred to the President of the Republic's Special Women's Secretariat;

6 – the Council for the Safeguarding of Human Rights, the National Council for the Combat Against Discrimination, the National Council for the Rights of Children and Adolescents, the National Council for the Rights of the Handicapped and the National Council for the Rights of the Aged are transferred from the Ministry of Justice to the Presidency of the Republic's Special Secretariat for Human Rights;

7 – the National Traffic Council and the National Traffic Department are transferred from the Ministry of Justice to the Ministry of Cities;

8 – the National Council for Urban Development is transferred from the Presidency of the Republic to the Ministry of Cities and has been re-named Council of Cities, and apart from the competence established in art. 10 of Provisional Writ 2.220 from September 4, 2001, also has the responsibility to propose directives for the regional and sector distribution of the Ministry of Cities' budget;

9 – the National Tourism Council is transferred from the Ministry of Sports and Tourism to the Ministry of Tourism.

Art. 34. The following positions have been changed:

1 – from State Minister for Sports and Tourism to State Minister for Sports;

2 – from State Minister for Social Welfare and Security to State Minister for Social Welfare;

3 – from State Minister and Federal Comptroller to State Minister for Control and Transparency;

4 – from Federal Under Comptroller to Under Comptroller of the General Federal Comptrollers Office;

Art. 35 . The posts of State Minister for Cities, State Minister for Tourism and State Minister for Social Security are hereby created.

Art. 36. The post of State Minister and Head of the Government's Information and Strategic Management Secretariat is hereby created.

Art. 37. (Revoked by Law 10.869 from 2004)

Art. 38- The special posts of Special Secretary of the Council for Economic and Social Development, Special Secretary of Fisheries and Aquaculture, Special Secretary for Human Rights and the Special Secretary for Women's Policies, all under the Presidency of the Republic, are hereby created;

§1 The posts referred to in the heading of this article will have the same prerogatives, guarantees, advantages and rights as Ministers of State.

§2 The remuneration for the posts referred to in the heading is Brazil Real 8.280 (eight thousand two hundred and eighty).

art. 39. Are created:

1 – one special position of Head of the Personal Cabinet of the President of the Republic.

2 – two positions as Under Secretary DAS 101.6, for the General Secretariat of the Presidency of the Republic.

3 – one special position of Deputy Secretary for the Presidency of the Republic's Government Information and Strategic Management Secretariat.

4 – five positions of Special Assistant DAS 102.6 for the Special Assistance Office of the President of the Republic.

5 – one position of management and special assistance DAS 102-6 as the Presidency of the Republic's Press Secretary.

Single paragraph. The remuneration for the special nature positions referred to in subsections 1 and 2 amounts to Brazil Real 8.000 (eight thousand)

Art. 40. The following positions are hereby created in order to address the immediate needs of the organs that are created or changed by this Law:

1 – four special nature positions as Executive Secretaries distributed as follows: one position for the



Ministry of Tourism, one position for the Ministry of Social Security, one position for the Ministry of Cities and one position for the Cabinet of the Extraordinary State Minister for Food Safety and the Combat Against Hunger;

2 – two positions of Deputy Secretary, DAS 101.6, distributed as follows: one position for the National Council for Economic and Social Development and one position for the Special Secretariat for Fisheries and Aquaculture. (See Law 11.958 from 2009)

Single paragraph. Are hereby created: two special nature positions for the Federal Public Administration, without any further expense four hundred and sixteen positions commissioned by the Superior Management and Assistance Group (DAS) and one hundred and two Gratified Positions (FG) of which twenty six are DAS6, sixty three are DAS 5, one hundred and fifty three are DAS4, forty six are DAS 3, one hundred and twenty eight are DAS1 and one hundred and eighty two are FG-2.

Art. 42. The following positions are hereby terminated in order to compensate for the expense increase imposed by the creation of the above mentioned positions created by arts. 35, 36, 37, 38, 39 and 40:

1 – the special nature State Secretary for Government Information, the State Secretary for Women's Rights, the Special Secretary for Urban Development, the State Secretary for Social Security and the State Secretary for Human Rights;

2 – at the Superior Management and Assistance Group: five DAS-5 positions, ten DAS-4 positions, thirteen DAS-3 positions, thirteen DAS-2 positions and thirty two DAS-1 positions.

Single paragraph. Are hereby terminated, within the Federal Public Administration and in order to compensate for the positions created in the single paragraph of art. 40: eight hundred and five positions commissioned by the Superior Management and Assistance Group - DAS 2 and two thousand three hundred and fifty two Gratified Positions – FG, of which one thousand five hundred and seventeen are FG-1 and eight hundred and thirty five are FG-3.

## CHAPTER 4

### GENERAL, FINAL AND TEMPORARY PROVISIONS

Art. 42. The patrimonial estate of terminated, changed, transferred, incorporated or dismembered organs, according to this Law, will be transferred to the Ministries, organs and entities that have absorbed the respective competences.

Single paragraph. The cadre of effective public servants that is the subject of this paragraph will be transferred to the Ministries that have absorbed the correspondent competences.

Art. 43. The Executive Branch is hereby authorized to uphold the positions of public servants and employees, within the direct or indirect Federal Public Administration sector, that occupy, or not, commissioned positions of managers, directors or assistants and were at the disposal of the direct Administration organs up to the 31<sup>st</sup> of December, 2002.

Art. 44. The Executive Branch is hereby authorized to transpose, transfer or use budgetary resources approved by the Budgetary Law of 2003 earmarked for organs that have been terminated, changes, transferred, incorporated or dismembered by this Law, while upholding the same functional-programmatic classification, according to the categories at their lowest levels, as defined by art. 3, §4 of Law 10.524 from July 25, 2002, including the titles, job descriptions, goals and objectives as well as the respective details contained in budgetary posts, expense groups, fund sources, methods of application and resource indicators.

§1 The provisions established in the heading of this article also apply to anticipated credit according to art. 65 of Law 10.524 from July 25, 2002.

§2 The provisions established in the heading of this article also apply to budgetary posts for the Ministry of Justice which have been allocated through the text related to the activities that are the subject of §4 of art. 3 of Law 10.524 from 2002.

§3 The procedures that are the subject of the heading of this article also apply to the budgetary allocations approved for municipalities and federal public foundations whose legal organs have become part of the Federal Attorney's Office, created by Law 10.480 from July 2, 2002.

Art. 45. While waiting a permanent personnel cadre:

1 – the public servants and employees requested by organs whose competence has been transferred to the Ministry of Cities will remain at the disposition of the named Ministry and are subjected to the provisions of art. 2 of Law 9.007 from March 17, 1995;

2 – the Ministries of Social Security, Cities, Defense, Agrarian Development, Sports and Tourism as well as the Extraordinary State Minister for Food Safety and the Combat Against Hunger may requisite direct Federal Administration public servants for any of the above mentioned organs, disrespect of the function to be exercised.

Single paragraph. The requisition of public servants for the organs referred to in the heading of this article are not irrefutable and must be promptly attended to, until the the provisions set by this article are complied with, except in cases which have been foreseen by other laws.

Art. 46. The competences and duties set by general or specific laws for organs that have been changed, transferred or terminated by this Law, must be transferred to the organs, or to the heads of the organs, which hold the respective competences.

Art. 47. The Executive Branch will ordain, through an Executive Order, on the ruling structure of the Ministries, essential organs of direct and immediate assistance to the President of the Republic, the Special Secretariat for Economic and Social Development of the Presidency of the Republic, the Presidency of the Republic's Special Secretariat for Fisheries and Aquaculture, the Presidency of the Republic's Special Secretariat for Women and the General Federal Comptrollers Office as well as on the respective competences and attributions, unit denominations and job specifications.

Art. 48. The structure of essential organs, organs of direct and immediate assistance to the President of the Republic, the Special Secretariat for Economic and Social Development, the Special Secretariat for Fisheries and Aquaculture, The Special Secretariat for Human Rights, the Special Secretariat for Women and the General Federal Comptrollers Office and of Ministries that are the subject of this Law, must be implemented without further expense and abide by the quantity of posts, commissions and costs for positions of trust, which were in effect on December 31, 2002, while abiding to the alterations introduced by this Law.

Art. 49. The organs that compose the indirect Federal Public Administration will be linked to organs within the Presidency of the Republic and to Ministries, according to the norms that are the subject of §1 of art. 4 and §2 of art. 5 of Law-Decree 200 from February 25, 1967 and will be subjected to supervision by the head of the organ of direct assistance to the President of the Republic or by the respective State Minister.

Single paragraph. The supervision that is the subject of this article may be enforced either directly or through the Ministry's structure.

Art. 50. The Executive Branch will decide on the organization, reorganization, denomination of positions and functions as well as on the operations of organs and entities within the direct Federal Public Administration sector, articulated or foundational, conditioned to the approval or transformation of the ruling structures.

Single paragraph. (VETOED)

Art. 51. The structures, competences, attributions, unit denominations and position specifications that were in effect on December 31, 2002, will be upheld, according to art. 25, until the approval of the ruling structures of organs essential for the rendering of assistance to the President of the Republic, the Special Secretariats of the Presidency of the Republic and the Ministries, while observing the alterations introduced by this Law.

§1 It is the duty of the Legal Counseling Department of the Ministry of Social Welfare to render legal assistance to the Ministry of Social Security until this organ possesses its own legal assistance department.

§ 2 It is the duty of the Legal Counseling Department of the Ministry of Sports to provide legal assistance to the Ministry of Tourism until this organ possesses its own legal assistance department.

§3 It is the duty of the Under Directorate for Legal Affairs of the Civil House to render legal assistance to the Ministry of Cities and to the Cabinet of the Extraordinary Minister of State for Food Safety and the Combat Against Hunger until these organs possess their own legal assistance departments.

Art. 52. The Executive Branch is hereby authorized to delegate to any organ or entity within the Federal Public Administration sector, disrespect of attributed competences, the responsibility to perform activities related to the administration of personnel, goods, patrimony, general services, budgeting and finances as well as internal control.

Art. 53. The General Secretary and the Under Secretaries of the Ministry of Foreign Affairs will be appointed by the President of the Republic from the pool of High Diplomatic Career Ministers .

Art. 54. The National Council for the Rights of Women will be presided by the head of the Presidency of the Republic's Special Secretariat for Women Policies and its composition, structure and areas of competence will be defined through an Executive Branch act published before June 30, 2003.

Single paragraph. The Special Secretariat for Women Policies must, within ninety days counting from the date of publication of the present Law, form a work group composed by representatives of the Secretariat and society in general in order to create a proposal for the establishment of regulations for the National Council for the Rights of Women and submit it to the President of the Republic.

Art. 55. The State Minister for Planning, Budget and Management must always appoint one representative member to the administration councils of public enterprises, mixed capital societies as well as their subsidiaries whenever the Federation owns, directly or indirectly, a majority of the enterprise's capital and the right to vote.

Art. 56. Art. 7A of Law 10.233 from June 5, 2001 will now be enforced with the following text:

Attention: (See Provisional Writ 369 from 2007)

“Art. 7A CONIT will be presided by the State Minister for Transportation and will be composed by the State Ministers of Defense; Justice; Finance, Planning, Budget and Management; Development, Industry and Foreign Trade and Cities.

....." (NR)

Art. 57. Art. 16 of Law 9.613 from March 3, 1998 will now be enforced with the following text:

“Art. 16. COAF will be composed of public servants with undisputed reputation and acknowledged competence and are nominated through an act issued by the Ministry of Finance and chosen from the cadre of effective personnel of the Brazilian Central Bank, the Real Estate Value Commission, the Private Insurance Superintendency, the Finance Ministry's General Attorney's Office, the Secretariat of the Federal Revenue Service, the intelligence department of the Executive Branch, the Federal Police Department, the Ministry of Foreign Affairs and from the Federal General Comptrollers Office, while abiding to the principle that representatives from the above mentioned last four organs are appointed by their respective State Ministers.

....." (NR)

Art. 58. This Law enters into effect on the date of its publication.

Art. 59. Any provision that is contrary to this law is hereby revoked and in particular those included in Law 9.649 from May 27, 1998 containing the alterations introduced through Provisional Writ 2.216 from August 31, 2002 and §§ 1 and 2 or art. 2 of Law 8.442 from July 14, 1992.

Brasilia, May 28, 2003; 182<sup>nd</sup> year of Independence and 115<sup>th</sup> year of the Republic.

LUIZ INÁCIO LULA DA SILVA

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