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CONSTITUTION OF BRAZIL 1967

(As Amended)



GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.

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CONSTITUTION OF BRAZIL 1967

(As amended by Constitutional Amendment No. 1 of October 17, 1969)



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CONSTITUTIONAL AMENDMENT NO. 1

OCTOBER 17, 1969

THE MINISTERS OF THE NAVY, THE ARMY AND THE AIR FORCE, by virtue of the powers conferred upon them by Article 3 of Institutional Act 16, of October 14, 1969, together with section 1 of Article 2 of Institutional Act No. 5 of December 13, 1968, and

.....
[Here follow certain "Whereas" clauses noting the authority of the federal executive power to legislate during the parliamentary recess and thereby adopt the Constitutional Amendment No. 1, followed by an extensive list of the articles and sections thereof that remain unaltered except for editorial changes.]
.....

PROMULGATE the following Amendment to the Constitution of January 24, 1967:

Article 1. The Constitution of January 24, 1967 shall henceforth be in force with the following wording:

"The national Congress, invoking the protection of God, decrees and promulgates the following

CONSTITUTION OF THE FEDERAL REPUBLIC OF BRAZIL*

Title I

National Organization

Chapter I

Preliminary Provisions

Article 1. Brazil is a federative republic, constituted, under a representative system, by the indissoluble union of the states, the Federal District, and the territories.

Paragraph 1. All power emanates from the people and is exercised in their name.

Paragraph 2. The flag and the anthem officially recognized on the date of promulgation of this Constitution, and such other symbols as may be so established by law, are national symbols.

Paragraph 3. The states, the Federal District, and the municipalities may have symbols of their own.

Article 2. The Federal District is the capital of the Union.

Article 3. The establishment of new states and territories shall depend on the adoption of a supplementary law.

Article 4. The patrimony of the Union includes:

- I. Those unoccupied government lands essential to national security or to national development;
- II. The lakes and watercourses in lands within its domain, or that wash more than one state, that serve as boundaries with other countries, or that

* Translation of Constituição da República Federativa do Brasil, Emenda No. 1, Promulgada em 17 do Outubro de 1969, Departamento de Imprensa Nacional, 1969. The statement on adoption of the Emenda Constitucional No. 1 appears on pages 5-8 of that publication.

extend into foreign territory, the ocean islands, and the islands in rivers and lakes in boundary zones with other countries;

- III. The continental shelf;
- IV. The lands occupied by forest-dwelling aborigines;
- V. Those lands which presently belong to it;
- VI. The territorial sea.

Article 5. The patrimony of the states includes the lakes in lands of their domain and the rivers that have their sources and mouths therein, and the river and lake islands and unoccupied lands not covered by the preceding article.

Article 6. The legislative, the executive, and the judicial branches are independent and harmonious branches of the Union.

Sole paragraph. Except as provided in the Constitution, it is forbidden for any of the branches to delegate their functions, and a citizen vested with the function of one of these may not exercise the function of another.

Article 7. International disputes shall be settled by direct negotiations, arbitration, or other peaceful means, with the cooperation of the international agencies in which Brazil participates.

Sole paragraph. War of conquest is forbidden.

Chapter II

The Union

Article 8. The Union shall have the power to:

- I. Maintain relations with foreign states and make treaties and conventions with them, and participate in international organizations;
- II. Declare war and make peace;
- III. Declare a state of siege;
- IV. Organize the armed forces;
- V. Plan and promote national development and security;
- VI. Permit foreign forces, in the cases provided for in a supplementary law, to pass through the national territory or to remain therein temporarily;
- VII. Authorize and control production and trade in war materiel;
- VIII. Organize and maintain the federal police for the purpose of:

- a. Performing the services of maritime, air, and border police;
 - b. Preventing and suppressing the traffic in narcotics and related drugs;
 - c. Investigating criminal infractions against national security, or political and social order, or in detriment of goods, services, or interests of the Union, as well as other infractions that would have interstate repercussions and require uniform suppression, as the law may provide;
 - d. Providing censorship of public amusements;
- IX. Issue money;
- X. Control credit, capitalization, and insurance operations;
- XI. Establish a national highway plan;
- XII. Maintain the postal service and the national air mail;
- XIII. Organize a permanent defense against public disasters, especially droughts and floods;
- XIV. Establish and carry out national education and health plans and regional development plans;
- XV. Operate, directly or through authorization or concession:
- a. The telecommunications services;
 - b. Services and installations for electric power of any origin or nature whatever;
 - c. Air navigation; and
 - d. Transportation routes between seaports and national borders or that cross the boundary of a state or territory;
- XVI. Grant amnesty, and
- XVII. Legislate upon:
- a. Execution of the provisions of the Constitution and performance of federal services;
 - b. Civil, commercial, criminal, procedural, electoral, agrarian, maritime, aeronautical, space, and labor law;
 - c. General rules with respect to budgeting, expenditure and administration of assets and finances of a public nature; general rules of law with respect to finances, social security and social welfare, and protection of health, and the penitentiary system;

- d. Production and consumption;
- e. Public registries and commercial boards;
- f. Expropriation;
- g. Civil and military requisitions in time of war;
- h. Beds of ore, mines, and other mineral resources; metallurgy; forests, hunting, and fishing;
- i. Waters, telecommunications, postal service and power (electric, thermal, nuclear, or any other);
- j. Monetary and measures systems; title and guarantee of metals;
- l.* Credit policy; exchange, foreign and interstate commerce; transfer of funds abroad;
- m. Regulations of ports and of coastwise, river, and lake transportation;
- n. Traffic and transit on land routes;
- o. Nationality, citizenship, and naturalization; incorporation of the forest-dwelling aborigines into the national community;
- p. Emigration and immigration; entry, extradition, and expulsion of aliens;
- q. Policies and bases of national education; general standards regarding sports;
- r. Qualifications for practicing liberal, technical, and scientific professions;
- s. National symbols;
- t. Administrative and judicial organization of the Federal District and the territories;
- u. National statistical and cartographic systems; and
- v. Organization, personnel, instruction, justice, and guarantees of the military police and general conditions for their call-up and mobilization.

Sole paragraph. The competence of the Union does not exclude that of the states to legislate in a supplementary manner on the matters enumerated in letters c, d, e, n, q, and v of item XVII above, provided the federal law is respected.

* The letter l follows j in the Portuguese alphabet.

Article 9. The Union, the states, the Federal District, and the municipalities are forbidden to:

- I. Create distinctions between Brazilians or preferences favoring one of the above-mentioned juridical persons under public internal law as against another;
- II. Establish religious sects or churches; subsidize them; hinder their activities; or maintain relationships of dependence or alliance with them or their representatives, without prejudice to collaboration in the public interest in the manner prescribed by, and within the limits of, federal law, especially in the educational, welfare, and hospital service sectors;
- III. Refuse to honor public documents.

Article 10. The Union shall not intervene in the states except to:

- I. Maintain the national integrity;
- II. Repel foreign invasion or that of one state in another;
- III. Put an end to serious disturbance of order or the threat of its outbreak; or to corruption in the public power of a state.
- IV. Guarantee the free exercise of any of the state powers;
- V. Reorganize the finances of a state that:
 - a. Suspends payment on its funded debt for more than two consecutive years, except for reasons of force majeure;
 - b. Fails to deliver to the municipalities the tax quotas intended for them; and
 - c. Adopts economic or financial measures or executes economic or financial plans that are contrary to the policies established by federal law;
- VI. Provide for execution of federal law or of a judicial order or decision;
- VII. Require observance of the following principles:
 - a. Representative republican form;
 - b. Temporary nature of elective mandates, which shall not exceed the term of the corresponding federal mandates;
 - c. Independence and harmony of the powers;
 - d. Guarantees of the judicial power;
 - e. Municipal autonomy;

- f. Rendering of administrative accounts; and
- g. Prohibition of the carrying out, by a state deputy, of an act or exercise of a post, function, or employment mentioned in items I and II of Article 34, except the function of secretary of state.

Article 11. The president of the republic has the power to decree intervention.

Paragraph 1. Issuance of the decree shall be dependent upon:

- a. In the case of item IV of Article 10, the request of the legislative or the executive branch coerced or impeded, or the requisition of the federal Supreme Court, if the coercion is exercised against the judicial branch.
- b. In the case of item VI of Article 10, the requisition of the federal Supreme Court or of the Electoral Superior Court, according to the matter, without prejudice to the provisions of letter c of this paragraph.
- c. The provision by the federal Supreme Court of representation of the attorney general of the republic, in the case of item VI as well as in those of item VII, both of Article 10, when it is a question of execution of federal law.

Paragraph 2. In the cases of items VI and VII of Article 10, the decree by the president of the republic shall be limited to suspending the execution of the act impugned, if that measure should prove effective.

Article 12. The decree of intervention, which shall be submitted, within five days, to the national Congress for consideration, shall specify its scope, its duration, and the conditions of its execution, and, if appropriate, it shall appoint the interventor.

Paragraph 1. In the event that it is not in session, the national Congress shall be convoked especially, within the same period of five days, to consider the action of the president of the republic.

Paragraph 2. In the cases of paragraph 2 of the preceding article, consideration by the national Congress of the decree of the president of the republic may be omitted, if the suspension of the act has produced its effects.

Paragraph 3. Upon cessation of the reasons that brought about the intervention, the authorities removed from their posts shall return to them, unless there is some legal impediment.

Chapter III

The States and Municipalities

Article 13. The states shall be organized and governed by the constitutions and by the laws they may adopt, provided the following, among other principles established in this Constitution, are respected:

- I. Those mentioned in Article 10, item VII;
- II. The form of investiture in elective offices;
- III. The legislative process;
- IV. The preparation of the budget and budgetary and financial control, including control of the application of the resources received from the Union and assigned to the municipalities;
- V. The standards regarding public officials, including the application to state and municipal employees of the maximum limits of remuneration established in federal law;
- VI. Prohibition of paying state deputies, for any reason, more than two thirds of the salaries and travel and installation expense allowances assigned by law to federal deputies, as well as prohibition of paying for more than eight special sessions per month;
- VII. Issuance of securities of public debt in accordance with the provisions of this Constitution;
- VIII. Application to state deputies of the provisions of Article 35 and its paragraphs, insofar as pertinent; and
- IX. Application, insofar as pertinent, of the provisions of items I to III of Article 114 to the members of the Tribunals of Accounts, whose number shall not exceed seven.

Paragraph 1. All powers that this Constitution does not explicitly or implicitly prohibit the states from exercising are conferred upon the states.

Paragraph 2. The election of the governor and the lieutenant governor of a state shall be by universal suffrage and by direct and secret voting.

Paragraph 3. The Union, the states, and the municipalities may conclude agreements for the execution of their laws, services, or decisions, by federal, state, or municipal officials.

Paragraph 4. The military police, instituted for the maintenance of order and internal security in the states, the territories, and the Federal District, and the military fire departments are considered auxiliary forces and reserves of the Army, and the remuneration for the positions or ranks may not be higher than that established for the corresponding positions or ranks in the Army.

Paragraph 5. Aid shall not be given by the Union to a state or municipality except upon prior delivery to the competent federal organ of the plan for the use of the funds involved. The accounts shall be presented by the governor or prefect within the periods and in the manner prescribed by law and preceded by publication in the official gazette of the state concerned.

Paragraph 6. The number of deputies to the Legislative Assembly shall correspond to three times the delegation of the state in the federal Chamber, and when

the number of thirty-six has been reached, it shall be increased by as many persons as the number of federal deputies exceeds twelve.

Article 14. A supplementary law shall establish the minimum population and public revenue requirements and the form of prior consultation with the inhabitants, for the creation of municipalities.

Sole paragraph. Municipal organization, which may vary in accordance with local circumstances, the creation of municipalities, and the corresponding districting into divisions, shall be stipulated by law.

Article 15. Municipal autonomy shall be ensured:

- I. By the direct election of a prefect, vice prefect, and councilmen (vereadores), held simultaneously throughout the country, on a date different from that of the general elections for senators, federal deputies, and state deputies;
- II. By self-administration in matters concerning their particular interest, especially with regard to:
 - a. The imposition and collection of taxes within their jurisdiction and the application of their revenues, without prejudice to the obligation of rendering accounts and publishing balance sheets within the periods fixed by law;
 - b. The organization of local public services.

Paragraph 1. The governor shall appoint:

- a. With the prior approval of the Legislative Assembly, the prefects of the state capitals and of the municipalities considered by state law to be mineral-water resorts;
- b. With the prior approval of the president of the republic, the prefects of the municipalities declared by a law proposed by the executive branch to be of interest to national security.

Paragraph 2. Only councilmen of capitals and of municipalities with over two hundred thousand inhabitants shall be entitled to receive pay, within the limits and according to the policies established in a supplementary law.

Paragraph 3. Intervention in the municipalities shall be governed by the constitution of the state, and may occur only:

- a. When there is a lack of punctuality in the repayment of a loan guaranteed by the state;
- b. When a state fails for two consecutive years, to pay off its funded debt;
- c. When proper accounts are not rendered in the form called for by law;

- d. When the State Court of Justice admits a petition by the local chief of the public ministry to ensure observance of the principles set forth in the state constitution, or to provide for execution of the law or of a judicial order or decision, the governor's decree being limited to suspending the impugned act, if that measure will suffice to reestablish normality;
- e. When an Act of subversion or corruption is carried out in the municipal administration; or
- f. If at least twenty percent of the municipal tax revenue is not applied to elementary education every year.

Paragraph 4. The number of councilmen shall be twenty-one at most, and shall be in proportion to the electorate of the municipality.

Article 16. Financial and budgetary control of the municipalities shall be exercised by means of external control by the Municipal Council and internal control by the municipal executive branch, as established by law.

Paragraph 1. The external control by the Municipal Council shall be exercised with the assistance of the Tribunal of Accounts of the state or the state organ to which this duty is entrusted.

Paragraph 2. The prior opinion issued by the Tribunal of Accounts or state organ mentioned in paragraph 1 regarding the accounts the prefect should render annually shall cease to have effect only as the result of a decision by two thirds of the members of the Municipal Council.

Paragraph 3. Only those municipalities having more than two million inhabitants and more than five hundred million new cruzeiros of tax revenue may establish Tribunal of Accounts.

Chapter IV

The Federal District and the Territories

Article 17. The law shall provide for the administrative and judicial organization of the Federal District and the territories.

Paragraph 1. The Senate shall have the power to discuss and enact bills on tax and budget matters, public services, and administrative personnel of the Federal District.

Paragraph 2. The governor of the Federal District and the governors of the territories shall be appointed by the president of the republic.

Paragraph 3. The governor of a territory shall appoint its municipal prefects.

Chapter V

The Tax System

Article 18. In addition to the taxes provided for in this Constitution, the Union, the states, the Federal District, and the municipalities have the power to establish:

- I. Charges, collected for the exercise of the police power or for the actual or potential utilization of specific and divisible public services rendered to the taxpayer or placed at his disposal; and
- II. Benefit charges, collected from the owners of real property whose value is increased by public works that benefit it, the total limit of which charges shall be the amount expended and the individual limit of which shall be the increase, resulting from the work, in the value of each property benefited.

Paragraph 1. A supplementary law shall establish general rules of tax law, make provision as to conflicts of tax jurisdiction among the Union, the states, the Federal District, and the municipalities, and regulate the constitutional limitations on the power to tax.

Paragraph 2. The basis that has served for the application of taxes shall not be taken as a basis for the collection of charges.

Paragraph 3. Only the Union, in the exceptional cases defined in a supplementary law, may institute a forced loan.

Paragraph 4. The Federal District and the states not divided into municipalities may impose, cumulatively, the taxes assigned to the states and municipalities; and in the federal territories the Union may impose the taxes assigned to the states and, if the territory is not divided into municipalities, the municipal taxes.

Paragraph 5. The Union may establish taxes other than those mentioned in Articles 21 and 22 and that are not within the exclusive taxing competence of the states, the Federal District, or the municipalities, provided they do not have the same basis of calculation and generating circumstance as the taxes provided for in this Constitution. The Union may also transfer to the states, the Federal District, or the municipalities the exercise of the residual competence in regard to taxes whose incidence is defined in federal law.

Article 19. The Union, the states, the Federal District, and the Municipalities are forbidden to:

- I. Establish or increase a tax unless the law so provides, without prejudice to the cases provided for in this Constitution;
- II. Establish limitations on the transit of persons or goods, by means of taxes on interstate or intermunicipal movement; or
- III. Establish a tax on:
 - a. The property, revenues, or services of one another;

- b. Places of worship of any sect;
- c. The property, income, or services of political parties or of educational or social welfare institutions, provided the requirements set by law are observed; or
- d. Books, newspapers, or periodicals, or the paper intended for printing them.

Paragraph 1. The provision of letter a of item III above extends to the autonomous governmental entities, as regards the property, revenues, and services connected with their essential purposes or resulting from them; but it does not extend to public services granted under concession, nor does it relieve a person offering to buy from the obligation to pay any taxes levied on the property that is the object of the offer to buy and sell.

Paragraph 2. The Union may, through a supplementary law, taking into account outstanding national social or economic interest, grant exemptions from state and municipal taxes.

Article 20. It is forbidden:

- I. To the Union to establish a tax that is not uniform throughout the national territory, or that will involve a distinction or preference in relation to any state or municipality as against another;
- II. To the Union to tax the income from obligations of the state or municipal public debt and the pensions of agents of the states and municipalities at levels higher than those it sets for its own obligations and for the pensions of its own agents;
- III. To the states, to the Federal District, and to the municipalities to establish a tax differential between goods of any nature by reason of their provenance or destination.

Article 21. The Union shall have the power to decree taxes upon:

- I. Importation of foreign products; and the executive branch is empowered, under the conditions and within the limits established by law, to alter the rates or the bases of calculation of such taxes;
- II. Exportation of national or nationalized products, in accordance with the provision at the end of the preceding item;
- III. Rural land;
- IV. Income and gains of any nature, except travel and installation expense allowances and per diem allowances paid with public funds, in accordance with law;
- V. Products of industry, likewise in accordance with the provision at the end of item I;

- VI. Credit, exchange, and insurance transactions, or transactions relating to securities;
- VII. Transportation and communications services, except those of a strictly municipal nature;
- VIII. Production, importation, circulation, distribution, or consumption of lubricants and liquid or gaseous fuels, and of electric power, which tax shall fall only once on any of these operations, and they shall be subject to other taxes.
- IX. Extraction, circulation, distribution, or consumption of the minerals of the country enumerated in the law, and this tax shall fall only once on any of these operations, and shall be in accordance with the provision at the end of the preceding item.

Paragraph 1. The Union may establish taxes other than those mentioned in the preceding items, provided they do not have the same generating circumstance or basis of calculation as those of the taxes provided for in Articles 23 and 24.

Paragraph 2. The Union may establish:

- I. Charges, under item I of this article, with a view to intervening in the economic domain and serving social welfare interests or those of occupational categories; and
- II. Forced loans, in the special cases defined in a supplementary law; the constitutional provisions relative to taxes and the general standards of tax law shall be applicable to these forced loans.

Paragraph 3. The tax on products of industry shall be selective, in relation to the essentiality of the products, and noncumulative, that is, in each transaction the amount of tax charged in previous transactions shall be subtracted.

Paragraph 4. The law may assign the revenue from the taxes mentioned in items II and VI of this article to the formation of monetary reserves or capital formation for financing economic development programs.

Paragraph 5. The Union may transfer supplementary exercise of its taxing power to the states, to the Federal District, or to the municipalities.

Paragraph 6. The land tax mentioned in item III shall not apply to parcels of rural farm land not exceeding twenty-five hectares in area, when a proprietor who owns no other real property cultivates them by himself or with his family.

Article 22. In the imminence of, or in the event of foreign war, the Union is empowered to establish, temporarily, extraordinary taxes, whether or not included in its taxing competence, which shall be eliminated gradually, once the causes for their collection have ceased to exist.

Article 23. The states and the Federal District shall have the power to establish taxes upon:

- I. The transfer, by any means, of property that is real by nature or by physical accession, and of real rights to real property, except those of guarantee, and also upon the cession of rights to acquisition of real property;
- II. Transactions relating to the circulation of goods, performed by producers, industrialists, and merchants; but these taxes shall not be cumulative and the amount charged on the preceding transactions, by the same or a different state, shall be deducted from them, under the terms of a supplementary law.

Paragraph 1. The product of collection of the tax referred to by item IV of Article 21, on compensation for work and on interest on public debt obligations paid by the states and by the Federal District shall be distributed to the states and the Federal District, in such manner as the law establishes, when they are obliged to withhold the tax.

Paragraph 2. The tax mentioned in item I shall belong to the state in which the real property is located, even when the transfer results from a succession opened abroad; its rate shall not exceed the limits fixed in a resolution of the federal Senate, at the proposal of the president of the republic, in the manner provided by law.

Paragraph 3. The tax mentioned in item I shall not fall upon the transfer of property or rights incorporated into the wealth of a juridical person in the realization of capital, nor upon the transfer of property or rights resulting from the merger, inclusion, or extinction of capital of juridical persons, unless the preponderant activity of this entity is trade in such property or rights, or the leasing of real property.

Paragraph 4. Other categories of payers of these taxes, in addition to those mentioned in item II, may be established by a supplementary law.

Paragraph 5. The rate of the tax mentioned in item II shall be uniform for all goods in internal and interstate transactions; the federal Senate, by a resolution taken upon the initiative of the president of the republic, shall fix the maximum rates for internal, interstate, and exportation transactions.

Paragraph 6. Exemptions from the tax on transactions in the trade in goods shall be granted or revoked under the terms established in agreements, concluded or ratified by the states, in accordance with the provisions of a supplementary law.

Paragraph 7. The tax mentioned in item II shall not fall on transactions involving industrial products and other products that the law may determine that are intended for foreign countries.

Paragraph 8. Of the product of the collection of the tax mentioned in item II, eighty percent shall constitute revenue of the states and twenty percent, revenue of the municipalities. The portions belonging to the municipalities shall be credited in special accounts opened in official credit establishments, in the form and within the time periods fixed by federal law.

Article 24. The municipalities shall have the power to decree taxes upon:

- I. Urban buildings and land;
- II. Services of any nature not included in the taxing competence of the Union or of the states and defined in a supplementary law.

Paragraph 1. The product of collection of the tax mentioned in Article 21, item III, falling upon real property located within their territory, belongs to the municipalities.

Paragraph 2. The product of collection of the tax on compensation for work and interest on public debt obligations paid by the municipalities when they are obliged to withhold the tax shall be distributed to the municipalities in the manner the law may establish.

Paragraph 3. The authorities collecting the taxes mentioned in paragraph 1 shall deliver to the municipalities the amounts received that belong to them, as they are collected, independently of any order from higher authorities, within a period of thirty days from the date of collection, under penalty of dismissal.

Paragraph 4. The maximum rates for the tax mentioned in item II shall be established in a supplementary law.

Article 25. Of the product of the collection of the taxes mentioned in Article 21, items IV and V, the Union shall distribute twelve percent in the following manner:

- I. Five percent to the Participation Fund of the states, the Federal District, and the territories.
- II. Five percent to the Participation Fund of the municipalities; and
- III. Two percent to a Special Fund, the use of which shall be regulated by law.

Paragraph 1. The application of the Funds provided for in item I and II of this article shall be regulated by federal law, which shall entrust to the Tribunal of Accounts of the Union the calculation of the state and municipal quotas, and their delivery shall depend on:

- a. Approval of the programs of application prepared by the states, the Federal District, and municipalities, on the basis of the directives and priorities established by the federal executive power;
- b. Commitment by the states, by the Federal District, and by the municipalities of funds of their own for the execution of the programs mentioned in a above;
- c. The actual transfer of executive assignments of the Union to the states, the Federal District, and the municipalities; and
- d. Receipt of the federal taxes collected by the states, by the Federal District, and by the municipalities, and liquidation of the debts of these entities owed to the Union, including debts derived from the giving of guarantees.

Paragraph 2. For the purposes of calculation of the percentage devoted to the Participation Funds, that portion of the tax on income and gains of any nature belonging to the states and the municipalities, under the terms of Article 23, paragraph 1, and Article 24, paragraph 2, shall be excluded.

Article 26. The Union shall distribute to the states, the Federal District, and the municipalities:

- I. Forty percent of the collection of the tax on lubricants and liquid or gaseous fuels mentioned in Article 21, item VIII;
- II. Sixty percent of the collection of the tax on electric power mentioned in Article 21, item VIII;
- III. Ninety percent of the collection of the tax on minerals of the country mentioned in Article 21, item IX.

Paragraph 1. The distribution shall be made under the terms of federal law, which may make provision as to the form and purposes of application of the funds distributed, in accordance with the following criteria:

- a. In the cases of items I and II, in proportion to area, population, production, and consumption, adding, when appropriate, with respect to item II, a quota of compensation for the area flooded by the reservoirs;
- b. In the case of item III, in proportion to production.

Paragraph 2. The industries that consume minerals of the country may subtract the tax referred to by Article 21, item IX, from the tax on the circulation of goods and from the tax on industrial products, in the proportions of ninety percent and ten percent, respectively.

Chapter VI

The Legislative Branch

Section I

General Provisions

Article 27. The legislative power is exercised by the national Congress, which is composed of the Chamber of Deputies and the federal Senate.

Article 28. The election for deputies and senators shall be held simultaneously throughout the country.

Article 29. The national Congress shall meet annually in the capital of the Union from March 31 to November 30.

Paragraph 1. Special sessions of the national Congress may be convoked:

- a. By the president of the Senate, in the event of the decreeing of a state of siege or of federal intervention; or
- b. By the president of the republic, when he believes this necessary.

Paragraph 2. At special legislative sessions, the national Congress shall deliberate only on the matter for which it was convoked.

Paragraph 3. In addition to the meetings for other purposes provided for in this Constitution, the federal Senate and the Chamber of Deputies shall meet in a joint session, with the officers of the federal Senate presiding, to:

- I. Inaugurate the legislative session;
- II. Prepare common regulations;
- III. Discuss and vote on the budget.

Paragraph 4. Each chamber shall meet in a preparatory session, beginning February 1, of the first year of the legislature, for the installation of its members and the election of its executive committee.

Article 30. Each chamber shall have the power to prepare its rules of procedure and provide for its own organization, police, and the filling of offices in its services.

Sole paragraph. The following procedural standards shall be observed:

- a. In the designation of committees, proportional representation of the national parties forming part of the chamber in question shall be ensured insofar as possible.
- b. No more than one regular session shall be held per day.
- c. Authorization shall not be given for the publication of any statement that involves an offense against national institutions, or propaganda for war, for subversion of the political or social order, or of prejudice of race, religion, or class: or that constitutes a crime against honor or contains incitation to the commission of a crime of any nature.
- d. The officers of the Chamber of Deputies or of the federal Senate shall transmit, through the Presidency of the republic, only requests for information on facts and events that relate to the legislative matter in process or on a fact or event subject to the control of the national Congress or of its houses.
- e. No congressional investigating committee shall be created while five or more are functioning concurrently, unless by a decision of the majority of the Chamber of Deputies or of the federal Senate.
- f. Congressional investigating committees shall function at the headquarters of the national Congress, and it is not permitted for their members to receive travel expenses.

- g. By no means whatsoever shall travel abroad by congressmen be paid for, except travel to carry out a temporary mission of a diplomatic or cultural nature, through prior appointment by the executive branch and with the granting of leave from the chamber to which the deputy or senator belongs; and
- h. The term of office of the officers of either chamber shall be two years, and reelection is prohibited.

Article 31. Except where there is a constitutional provision to the contrary, the decisions of each chamber shall be taken by a majority vote and when a majority of its members are present.

Article 32. Deputies and senators are immune from arrest, in the exercise of their mandate, for their opinions, words, and votes, except in cases of injury, defamation, or calumny, or in those cases stipulated in the National Security Law.

Paragraph 1. During, and, in travel to and from, the sessions, deputies and senators may not be arrested except in flagrante delicto in common crimes or disturbances of the public order.

Paragraph 2. In common crimes, deputies and senators shall be brought to trial before the federal Supreme Court.

Paragraph 3. Incorporation into the armed forces of a deputy or senator, even if he holds military rank and even in time of war, shall depend upon the granting of permission by his chamber.

Paragraph 4. The court prerogatives of a senator or deputy listed as a witness shall not persist if, without just cause, he fails to heed the judicial request within thirty days.

Article 33. The remuneration, divided into a fixed part and a variable part, and the allowance for travel and installation expenses, of deputies and senators, shall be equal and shall be established at the end of each legislature for the following one.

Paragraph 1. Travel and installation allowance is understood to mean payment for transportation and other expenses required for attendance at a regular legislative session or at a special legislative session convoked in accordance with Article 29, paragraph 1.

Paragraph 2. Payment for travel and installation allowance shall be effected in two portions, and a congressman shall receive the second portion only if he has attended two thirds of the regular or special session of the legislature concerned.

Paragraph 3. Payment of the variable part of the remuneration shall correspond to the actual attendance by the congressman and to his participation in the voting.

Paragraph 4. Remuneration shall be paid for up to a maximum of eight special sessions per month of the Chamber of Deputies and the federal Senate; but

remuneration for attendance at such sessions and at those of the national Congress shall not exceed one thirtieth of the variable part of the monthly remuneration per session.

Article 34. Deputies and senators may not:

- I. After issuance of their credentials:
 - a. Sign or maintain a contract with a person of public law, autonomous entity, public enterprise, mixed capital company, or public service concessionary enterprise, unless the contract is in accordance with uniform clauses;
 - b. Accept or exercise a remunerated post, function, or employment in any of the entities mentioned in the preceding subparagraph;
- II. After taking office:
 - a. Be the owner or a director of an enterprise that enjoys benefits stemming from a contract with a juridical person of public law, or perform a remunerated function therein;
 - b. Hold a post, function, or employment from which they may be dismissed at will, in any of the entities mentioned in subparagraph a of item I;
 - c. Hold another elective office, whether federal, state, or municipal;
 - d. Appear in litigation in which any of the entities mentioned in subparagraph a of item I has an interest.

Article 35. Any deputy or senator shall lose his office:

- I. Who infringes any of the prohibitions set forth in the preceding article;
- II. Whose conduct is declared to be incompatible with parliamentary decorum or to constitute an attack upon institutions in force;
- III. Who fails to appear at one third of the regular sessions of the chamber to which he belongs, in any legislative period of sessions, except in the case of verified illness or leave or mission authorized by the chamber concerned;
- IV. Whose political rights have been lost or suspended;
- V. Who performs an act of unfaithfulness to his party, under the terms of the sole paragraph of Article 152.

Paragraph 1. In addition to other cases defined in the rules of procedure, abuse of the prerogatives accorded to the congressmen or the gaining, in the exercise of his mandate, of illegal or immoral advantages, shall be considered incompatible with parliamentary decorum.

Paragraph 2. In the cases of items I and II, the loss of office shall be declared by the Chamber of Deputies or the federal Senate, upon the initiative of any of its officers or of any members of a political party.

Paragraph 3. In the case of item III, the loss of office may occur upon the initiative of any member of the chamber, of a political party, or of the first alternate of the challenged member's political party, and shall be declared by the officers of the chamber to which the representative belongs, he being assured of full defense and having the right to request judicial review of the decision.

Paragraph 4. If the cases provided for in items IV and V occur, the loss shall be automatic and shall be declared by the officers of the corresponding chamber.

Article 36. A deputy or senator invested with the function of minister of state shall not lose his legislative office.

Paragraph 1. The alternate shall be called up only in the case of a vacancy as a result of death, resignation, or investiture with the function of minister of state. If there is no alternate, election of the substitute in the event of a vacancy shall take place only if more than fifteen months of the uncompleted term remain.

Paragraph 2. With the permission of his chamber, a deputy or senator may carry out temporary diplomatic or cultural missions.

Article 37. The Chamber of Deputies and the federal Senate, jointly or separately, shall establish a committee of inquiry upon a given matter and for a fixed period of time, upon the request of one third of their members.

Article 38. Ministers of state shall be obliged to appear before the Chamber of Deputies or the federal Senate, or any of their committees, whenever either chamber, by a majority decision, calls them personally to give information regarding matters previously determined.

Paragraph 1. Failure to appear, without justification, shall constitute a crime of responsibility.

Paragraph 2. A minister of state, upon his own request, may appear before a committee or the whole of either chamber of the national Congress and discuss bills or projects related to the ministry under his direction.

Section II

The Chamber of Deputies

Article 39. The Chamber of Deputies is composed of representatives of the people, elected from among citizens over twenty-one years of age and in the enjoyment of political rights by direct and secret vote in each state and territory.

Paragraph 1. Each legislature shall last four years.

Paragraph 2. The number of deputies for each state shall be fixed by law, in proportion to the registered voters therein, in accordance with the following criteria:

- a. Up to and including one hundred thousand voters, three deputies;
- b. From one hundred thousand and one to three million voters, one additional deputy for each group of one hundred thousand or fraction thereof over fifty thousand;
- c. From three million and one to six million voters, one additional deputy for each group of three hundred thousand or fraction thereof over one hundred and fifty thousand; and
- d. For over six million voters, one additional deputy for each group of five hundred thousand or fraction thereof over two hundred and fifty thousand.

Paragraph 3. With the exception of the Territory of Fernando de Noronha, each territory shall be represented in the Chamber by one deputy.

Paragraph 4. The number of deputies shall not enter into force in the legislature in which it is established.

Article 40. The Chamber of Deputies shall have exclusive power:

- I. By the vote of two thirds of its members, to declare founded a charge against the president of the republic or a minister of state;
- II. To demand accounts from the president of the republic, if they are not presented to the national Congress within sixty days after the opening of the legislative session;
- III. To propose bills that would establish or abolish posts for its services and establish the corresponding salaries.

Section III

The Federal Senate

Article 41. The federal Senate is composed of representatives of the states, elected by secret and direct vote from among citizens of over thirty-five years of age, in the enjoyment of their political rights, according to the majority principle.

Paragraph 1. Each state shall elect three senators, for a term of office of eight years, and the representation shall be renewed every four years, alternately one third and two thirds at a time.

Paragraph 2. An alternate shall be elected along with and for each senator.

Article 42. The federal Senate shall have exclusive power:

- I. To judge the president of the republic in crimes of responsibility and ministers of state in crimes of the same nature connected with those crimes of responsibility;
- II. To try and to judge the ministers of the federal Supreme Court and the attorney general of the republic, in crimes of responsibility;
- III. To give prior approval, by secret vote, to the appointment of magistrates, in cases determined by the Constitution, of the ministers of the Tribunal of Accounts of the Union, of the governor of the Federal District, as well as of the counsellors [members] of the Tribunal of Accounts of the Federal District and of the heads of permanent diplomatic missions;
- IV. To authorize foreign loans, operations, or agreements of whatever nature, in the interest of the states, the Federal District, and the municipalities, after hearing the view of the federal executive branch;
- V. To legislate with regard to the Federal District, in the manner indicated in Article 17, paragraph 1, and with the assistance of the corresponding Tribunal of Accounts, to exercise financial and budgetary control therein;
- VI. To determine, upon the proposal of the president of the republic and by means of a resolution, overall limits for the amount of the consolidated debt of the states and of the municipalities; to establish and alter the minimum and maximum limits of the time periods, rates of interest, and other conditions of the obligations issued by them; and to prohibit or limit the issuance or offering of any obligations of those entities;
- VII. To suspend, wholly or in part, the execution of any law or decree declared unconstitutional by final decision of the federal Supreme Court;
- VIII. To adopt resolutions; and
- IX. To propose bills that would establish or abolish posts of its services and fix the corresponding salaries.

Sole paragraph. In the cases covered by this article, the federal Senate shall be presided over by the president of the federal Supreme Court; a condemnatory sentence shall be pronounced only by a two-thirds vote; and the penalty shall be limited to loss of office and disqualification for five years from holding any public post, without prejudice to action under ordinary justice.

Section IV

Powers of the Legislative Branch

Article 43. The national Congress shall have the power, with the approval of the president of the republic, to make provision for all matters within the competence of the Union, especially:

- I. Taxes and the collection and distribution of revenues;
- II. Annual and multiannual budget; the opening of credits and credit operations; the public debt; and issues of legal tender;
- III. Establishment of the numbers of men of the armed forces in peacetime;
- IV. National and regional development plans and programs;
- V. Establishment of public posts and setting of the salaries therefor, with the exception of the provision in Article 55, item III;
- VI. The limits of the national territory, the airspace and territorial seas, and property in the domain of the Union;
- VII. Temporary transfer of the seat of the federal government;
- VIII. The granting of amnesty;
- IX. The administrative and legal organization of the territories.

Article 44. The national Congress shall have exclusive power:

- I. To render final decision regarding the international treaties, conventions, and acts concluded by the president of the republic;
- II. To authorize the president of the republic to declare war and to make peace, and to permit foreign forces to pass through the national territory or to remain in it temporarily, in the cases provided for in a supplementary law;
- III. To authorize the president and vice president of the republic to absent themselves from the country;
- IV. To approve or suspend federal intervention or the state of siege;
- V. To approve the incorporation or partitioning of areas of states or of territories;
- VI. To change its seat temporarily;
- VII. To fix, in one legislature for the next, the travel and installation expense allowance for the members of the national Congress, as well as their salaries and those of the president and vice president of the republic;
- VIII. To pass upon the accounts of the president of the republic;
- IX. To decide upon the adjournment or suspension of its sessions.

Article 45. The law shall regulate the procedure of control, by the Chamber of Deputies and by the federal Senate, of the acts of the executive branch, including those of indirect administration.

Section V

The Legislative Process

Article 46. The legislative process comprises the preparation of:

- I. Amendments to the Constitution;
- II. Laws supplementary to the Constitution;
- III. Ordinary laws;
- IV. Delegated laws;
- V. Decree-laws;
- VI. Legislative decrees;
- VII. Resolutions.

Article 47. The Constitution may be amended upon proposal by:

- I. Members of the Chamber of Deputies or of the federal Senate;
- II. The president of the republic.

Paragraph 1. No proposal of amendment aimed at abolishing the federation or the republic shall be considered.

Paragraph 2. The Constitution shall not be amended while a state of siege is in force.

Paragraph 3. In the case of item I, the proposal must bear the signatures of one third of the members of the Chamber of Deputies or of the federal Senate.

Article 48. In any of the cases provided for in items I and II of the preceding article, the proposal shall be discussed and voted upon in a meeting of the national Congress within sixty days from the date of its presentation or receipt, in two legislative sessions, and it shall be considered approved when it obtains in both votings the votes of two thirds of the members of each of the houses of Congress.

Article 49. An amendment to the Constitution shall be promulgated by the officers of the Chamber of Deputies and of the federal Senate, with its corresponding sequence number.

Article 50. Supplementary laws shall be enacted only if they obtain an absolute majority of the votes of the members of each of the houses of the national Congress, with observance of the other standards of voting provided for ordinary laws.

Article 51. The president of the republic may send to the national Congress bills on any subject, which, if he so requests, shall be considered within forty-five days of their receipt in the Chamber of Deputies and within an equal period in the federal Senate.

Paragraph 1. The request for the period of time mentioned in this article may be made after the transmittal of the bill and at any phase of its progress.

Paragraph 2. If the president of the republic considers a bill urgent, he may request that it be considered at a joint session of the national Congress, within forty days.

Paragraph 3. In the absence of a decision within the periods stipulated in this article and the preceding paragraphs, the bill shall be considered approved.

Paragraph 4. Amendments adopted by the federal Senate shall be considered by the Chamber of Deputies, in the cases provided for in this article and in paragraph 1 thereof, within a period of ten days, after which they shall be considered approved, if there has been no decision.

Paragraph 5. The periods set in Article 48, in this article and in its paragraphs, and in Article 55, paragraph 1, shall not run while the national Congress is in recess.

Paragraph 6. The provisions of this article shall not apply to the handling of bills on codification.

Article 52. Delegated laws shall be drafted by the president of the republic, a committee of the national Congress, or a committee of either of its houses.

Sole paragraph. Acts falling within the exclusive competence of the national Congress, or within the exclusive competence of the Chamber of Deputies or of the federal Senate, may not be the object of delegation, nor may any legislation on:

- I. The organization of the judges and the courts and the guarantees given to the judiciary;
- II. Nationality, citizenship, political rights, and electoral law; or
- III. The monetary system.

Article 53. In the case of delegation to a special committee, which shall be governed by the rules of procedure of the national Congress, the bill approved shall be sent to the president of the republic for approval, unless, within ten days of its publication, a majority of the members of the committee or one fifth of the members of the Chamber of Deputies or of the federal Senate requests that it be voted upon by the whole Congress.

Article 54. A delegation to the president of the republic shall take the form of a resolution of the national Congress, which shall specify its content and the terms of its exercise.

Sole paragraph. If the resolution calls for consideration of the bill by the national Congress, it shall take its decision in a single vote, any amendment being forbidden.

Article 55. The president of the republic, in cases of urgency or of important public interest, and provided that no increase in expenditures results, may issue decree-laws on the following subjects:

- I. National security;
- II. Public finance, including standards on taxation; and
- III. The establishment of public posts and setting of salaries.

Paragraph 1. Once the text is published, whereupon it shall immediately have force, the national Congress shall approve or reject it within sixty days, without power to amend it; if there is no decision within this period, the text shall be considered approved.

Paragraph 2. The rejection of a decree-law does not imply that the actions taken during the time it was in force shall be null.

Article 56. A law may be proposed by any member or committee of the Chamber of Deputies or of the federal Senate, by the president of the republic, or by a federal court having jurisdiction throughout the national territory.

Sole paragraph. The discussion of and voting on bills proposed by the president of the republic shall begin in the Chamber of Deputies, except as provided in paragraph 2 of Article 51.

Article 57. The president of the republic shall have exclusive power to propose laws that:

- I. Make provision regarding financial matters;
- II. Establish public posts, functions, or jobs, or increase salaries or public expenditures;
- III. Establish or modify the strength of the armed forces;
- IV. Make provision regarding the administrative and judiciary organization, taxation and budget matters, public services, and personnel of the administration of the Federal District, and also regarding the judiciary and administrative organization and taxation matters of the territories;
- V. Make provision regarding civil servants of the Union, rules and regulations affecting them, appointment to public positions, permanence and pensioning of civil service personnel, retirement and transfer of military personnel to inactive status;
- VI. Grant amnesty with respect to political crimes, after hearing the view of the National Security Council.

Sole paragraph. Amendments that increase the amount of expenditure provided for shall not be admitted:

- a. In bills originating in the exclusive competence of the president of the republic; or
- b. In bills relating to organization of the administrative services of the Chamber of Deputies, the federal Senate, or the federal courts.

Article 58. A bill approved by one of the chambers shall be reviewed by the other, in a single period of discussion and voting.

Paragraph 1. If the reviewing chamber approves the bill, it shall be sent for approval by the president of the republic or for promulgation; if it amends it, it shall be returned to the originating house for consideration of the amendment; if it rejects it, it shall be dropped from consideration.

Paragraph 2. A bill that receives a disapproving opinion as to its merit from all the committees shall be considered rejected.

Paragraph 3. The matters dealt with in a bill that is rejected or not approved by the president of the republic, and also those contained in a proposed amendment to the Constitution that is rejected or considered unsuitable may be presented in a new bill during the same legislative session only on the proposal of an absolute majority of the members of either chamber, except as regards matters proposed by the president of the republic.

Article 59. In the cases provided for in Article 43, the chamber in which the voting of a bill is concluded shall send it to the president of the republic, who, if he concurs, shall approve it; bills considered as approved, under the terms of Article 51, paragraph 3, shall also be transmitted to him, for the same purpose.

Paragraph 1. If the president of the republic judges the bill, wholly or in part, unconstitutional or contrary to the public interest, he shall veto it, wholly or in part, within fifteen working days, counted from the day on which he receives it, and he shall, within forty-eight hours, inform the president of the federal Senate of the reasons for his veto. If approval is refused after the legislative session has ended, the president of the republic shall publish the veto.

Paragraph 2. After a lapse of fifteen days, silence of the president of the republic shall be equivalent to approval.

Paragraph 3. Once the president of the federal Senate is notified of the veto, he shall convoke the two chambers to take cognizance of it, and if within forty-five days the vetoed bill obtains the favorable vote of two thirds of the members of each of the houses in public voting, it shall be considered approved. In this case, the bill shall be sent to the president of the republic for promulgation.

Paragraph 4. If no decision is reached within the period established in the preceding paragraph, the veto shall be considered upheld.

Paragraph 5. If the law is not promulgated with forty-eight hours by the president of the republic, in the cases of paragraphs 2 and 3, the president of the federal Senate shall promulgate it; and if the latter does not do so within an equal period of time, the vice president of the federal Senate shall promulgate it.

Paragraph 6. In the cases provided for in Article 44, after final approval, the law shall be promulgated by the president of the federal Senate.

Paragraph 7. In the case of Article 42, item V, the vetoed bill shall be submitted to the federal Senate only, and the provisions of paragraph 3 shall be applied insofar as appropriate.

Section VI

The Budget

Article 60. Public expenditures shall follow the annual budget law, which shall not contain any provision unrelated to the fixing of expenditures and the estimation of revenues. This prohibition does not affect:

- I. Authorization for opening supplementary credits and credit operations in anticipation of revenues;
- II. Provisions on the application of the unexpended balance, if there is one.

Sole paragraph. Capital expenditures, however, shall follow investment budgets for more than one year, in the manner set forth in a supplementary law.

Article 61. Federal law shall make provision regarding the fiscal year and the preparation and organization of the public budget.

Paragraph 1. The following are prohibited:

- a. The transfer of funds from one budget item to another, without prior legal authorization;
- b. The granting of unlimited credits;
- c. The opening of a special or supplementary credit without prior legislative authorization or without indication of the revenue to be used;
- d. Expenditures by any of the branches of government, in excess of the budget items and additional credits.

Paragraph 2. The opening of an extraordinary credit shall be admitted only in cases of unforeseeable necessity, such as those arising from war, internal subversion, or public calamity.

Article 62. The annual budget shall compulsorily cover the expenditures and revenues for all the branches of government, organs, and funds, both directly and indirectly administered, excluding only those entities that do not receive subsidies or transfers from the budget account.

Paragraph 1. Inclusion, in the annual budget, of the expenses and revenues of the indirectly administered organs shall be done in overall amounts and shall not prejudice their autonomy in the lawful management of their resources.

Paragraph 2. Except for the taxes mentioned in Article 21, items VIII and IX, and as provided in this Constitution and in supplementary laws, it is prohibited to tie the product of the collection of any tax to a particular organ, fund, or expenditure. The law may, however, establish that the partial or total collection of certain taxes constitutes revenue of the capital budget, its application to current expenditures being prohibited.

Paragraph 3. No investment whose execution will extend beyond one fiscal year may be started unless it is first included in the investment budget made for a period of more than one year, or unless a prior law authorizes it and fixes the amount of the items that shall annually appear in the budget during the period of its execution.

Paragraph 4. Special and extraordinary credits may not have effect beyond the end of the fiscal year in which they were authorized, unless the act of authorization was promulgated during the last four months of the fiscal year, in which case, after the credits are reopened within the limits of their balances, they may have effect until the end of the following fiscal year.

Article 63. The investment budget made for a period of more than one year shall assign funds for the execution of the plans for development of the less developed regions of the country.

Article 64. A supplementary law shall establish limits for the expenditures of the Union, the states, and the municipalities on personnel.

Article 65. The executive branch shall have the power to propose the budget laws and laws that open credits, fix salaries and benefits of civil servants, grant subsidies or assistance, or in any manner authorize, create, or increase public expenditure.

Paragraph 1. No amendment shall be considered that would cause an increase in overall expenditure or that of any organ, project, or program, or that aims at changing the amount, nature, or objective of such expenditure.

Paragraph 2. The bills referred to in this article may, observing the provisions of paragraphs 1, 2 and 3 of the following article with respect to the annual budget bill, be amended only in the committees of the national Congress, and the decision of the committees on amendments shall be final, unless one third of the members of the chamber concerned request of their president that an amendment approved or rejected in the committees be voted upon by the full chamber, without discussion.

Article 66. The annual budget bill shall be sent by the president of the republic to the national Congress for a joint vote of the two chambers, at least four months prior to the beginning of the next fiscal year; if the legislative power branch does not return it for approval at least thirty days before the end of the fiscal year, it shall be promulgated as law.

Paragraph 1. A joint committee of senators and deputies shall be organized to examine the budget bill and give its opinion thereon.

Paragraph 2. Amendments may be put forth only in the joint committee.

Paragraph 3. The decision of the committee on amendments shall be final, unless one third of the members of the Chamber of Deputies and also one third of the members of the federal Senate request a vote on an amendment approved or rejected in the committee by the full Congress.

Paragraph 4. The remaining rules regarding the preparation of laws shall apply to the budget bill, insofar as they are not contrary to the provisions of this section.

Paragraph 5. The president of the republic shall have the power to send a message to the national Congress proposing a change therein, provided that the voting on the section to be changed has not been concluded.

Article 67. Credit operations in anticipation of revenues authorized in the annual budget shall not exceed one fourth of the total estimated revenues for the fiscal year, and shall compulsorily be liquidated within thirty days after the close thereof.

Sole paragraph. With the exception of operations pertaining to the public debt, a law authorizing a credit operation, which should be liquidated in the following fiscal year, shall establish at the outset the amounts to be included in the annual budget for the corresponding services of interest, amortization, and final settlement, during the period for its liquidation.

Article 68. The funds corresponding to the appropriations for the Chamber of Deputies, the federal Senate, and the federal courts shall be disbursed at the beginning of each quarter, in quotas established in the financial programming of the National Treasury, and the percentage share shall at no time fall below that established by the executive branch for its own organs.

Article 69. Operations of redemption and offering of National Treasury securities, in connection with the amortization of domestic loans, and not covered by the annual budget, shall be governed by a supplementary law.

Section VII

Financial and Budgetary Control

Article 70. The financial and budgetary control of the Union shall be exercised by the national Congress through external control and by the systems of internal control of the executive branch established by law.

Paragraph 1. The external control by the national Congress shall be exercised with the aid of the Tribunal of Accounts and shall include review of the accounts of the president of the republic, performance of the functions of financial and budgetary auditing, and passing on the accounts of administrators and others responsible for public property and securities.

Paragraph 2. The Tribunal of Accounts of the Union shall give its advance opinion, within sixty days, on the accounts that the president of the republic renders annually. If these are not submitted within the period prescribed by law, the national Congress shall be informed of this fact for the purposes of law, and the Tribunal shall in any case present a detailed report on the fiscal year just closed.

Paragraph 3. The financial and budgetary auditing shall be applied to the accounts of the administrative units of the three branches of the Union, which, for this purpose, shall send accounting records to the Tribunal of Accounts of the Union, which shall have the power to make the necessary inspections.

Paragraph 4. The judgment of the propriety and correctness of the accounts of the administrators and other responsible persons shall be based on accounting investigations, auditing certificates, and a statement by the administrative authorities, without prejudice to the inspections mentioned in the preceding paragraph.

Paragraph 5. The standards of financial and budgetary control established in this section shall be applied to the autonomous entities.

Article 71. The executive branch shall maintain a system of internal control, for the purpose of:

- I. Creating the conditions essential for effectiveness of the external control and to assure propriety and correctness in receipt of revenues and in expenditures;
- II. Following the execution of work programs and of the budget;
- III. Evaluating the results achieved by the administrators and verifying the execution of contracts.

Article 72. The Tribunal of Accounts of the Union, with its seat in the Federal District and its own staff, shall have jurisdiction throughout the national territory.

Paragraph 1. The Tribunal of Accounts shall exercise, where appropriate, the powers set forth in Article 115.

Paragraph 2. The law shall make provision regarding the organization of the Tribunal, and may divide it into chambers and create delegations or organs intended to assist it in the performance of its functions and in the decentralization of its work.

Paragraph 3. The ministers of the Tribunal shall be appointed by the president of the republic after approval of the selection by the federal Senate, from among Brazilians over thirty-five years of age, morally fit, having recognized legal, economic, or financial knowledge, or knowledge of public administration, and shall have the same guarantees, prerogatives, salaries, and impediments as the ministers of the federal Court of Appeals.

Paragraph 4. In the exercise of its powers of control of the financial and budgetary administration, the Tribunal shall represent the executive branch and the national Congress with regard to irregularities and abuses it finds.

Paragraph 5. If the Tribunal of Accounts, acting on its own initiative or upon the suggestion of the Public Ministry or of the Financial and Budgetary Auditing Offices or other auxiliary organs, ascertains the illegality of any expenditure, including those resulting from contracts, it shall:

- a. Assign a reasonable period of time for the organ of public administration to take the steps necessary for precise compliance with the law;
- b. In the event it is not heeded, stop the execution of the act impugned, except in regard to a contract;

- c. In the case of a contract, request the national Congress to decide upon the measure provided for in the preceding subparagraph or any other measure necessary to safeguard the objectives of the law.

Paragraph 6. The national Congress shall decide on the request mentioned in subparagraph c of the preceding paragraph within a period of thirty days, and if that period ends without any decision by the legislative branch, the impugnation shall be considered null and void.

Paragraph 7. The president of the republic may order the execution of the act referred to in subparagraph b of paragraph 5, subject to consideration by the national Congress.

Paragraph 8. The Tribunal of Accounts of the Union shall judge the legality of the original awards of retirement and pensions, later improvements not depending on its decision.

Chapter VII

The Executive Branch

Section I

The President and Vice President of the Republic

Article 73. The executive power is exercised by the president of the republic assisted by the ministers of state.

Article 74. The president shall be elected from among Brazilians over thirty-five years of age who are in the exercise of political rights, by the vote of an electoral college, in a public session and by a roll-call vote.

Paragraph 1. The electoral college shall be composed of the members of the national Congress and of delegates of the legislative assemblies of the states.

Paragraph 2. Each assembly shall designate three delegates from among its members, and an additional one for each five hundred thousand registered voters in the state, and no delegation shall consist of less than four delegates.

Paragraph 3. The composition and the functioning of the electoral college shall be regulated by a supplementary law.

Article 75. The electoral college shall meet at the seat of the national Congress on the fifteenth of January of the year in which the presidential term of office ends.

Paragraph 1. The candidate, nominated by a political party, who obtains an absolute majority of the votes shall be considered elected president.

Paragraph 2. If no candidate obtains an absolute majority on the first ballot, the voting shall be repeated, and, on the third ballot, if this is necessary, election shall take place by a simple majority.

Paragraph 3. The term of office of the president of the republic is five years.

Article 76. The president shall take office at a session of the national Congress, or, if it is not in session, before the federal Supreme Court, taking the pledge to maintain, defend, and comply with the Constitution, to observe the laws, to promote the general welfare, and to maintain the union, integrity, and independence of Brazil.

Sole paragraph. If, after ten days from the date fixed for doing so, the president or the vice president has not taken office, except for reasons of force majeure, the office shall be declared vacant by the national Congress.

Article 77. The president shall be replaced, in case of impediment, and succeeded, in case of vacancy of the office, by the vice president.

Paragraph 1. The candidate for vice president, who should satisfy the requirements of Article 74, shall be considered elected by virtue of the election of the candidate for president nominated jointly with him; his term of office is five years and the provisions of Article 76 and its sole paragraph shall be observed in his assumption of office.

Paragraph 2. The vice president shall, in addition to such other powers as may be conferred upon him by a supplementary law, assist the president, whenever the latter calls upon him for special missions.

Article 78. In the event of impediment of the president and the vice president, or of vacancy of the respective offices, the president of the Chamber of Deputies, the president of the federal Senate, and the president of the federal Supreme Court shall be called, in that order, to exercise the presidency.

Article 79. In the event of vacancy of the offices of president and vice president, an election shall be held thirty days after the occurrence of the last vacancy, and those elected shall complete the terms of office of their predecessors.

Article 80. The president and the vice president may not leave the country without permission of the national Congress, under penalty of loss of office.

Section II

The Powers of the President of the Republic

Article 81. The president of the republic shall have exclusive power:

- I. To exercise, with the assistance of the ministers of state, the superior direction of the federal administration;

- II. To initiate the legislative process, in the manner and in the cases provided for in this Constitution;
- III. To approve and promulgate the laws and have them published, and to issue decrees and regulations for their faithful execution;
- IV. To veto bills;
- V. To issue orders on the organization, duties, and operation of the organs of the federal administration;
- VI. To appoint and remove the ministers of state and the governors of the Federal District and the territories;
- VII. To approve the appointment of the prefects of the municipalities declared to be interest to national security;
- VIII. To fill and to abolish federal public offices;
- IX. To maintain relations with foreign states;
- X. To conclude international treaties, conventions, and acts, subject to approval by the national Congress;
- XI. To declare war, upon authorization by the national Congress, or without such authorization in the event of foreign aggression that occurs in the interval between legislative sessions;
- XII. To make peace, with the authorization of or subject to ratification by the national Congress;
- XIII. To permit, in the cases stipulated by a supplementary law, foreign forces to pass through the national territory or to remain therein temporarily;
- XIV. To exercise supreme command of the armed forces;
- XV. To decree total or partial national mobilization;
- XVI. To decree a state of siege;
- XVII. To decree and exercise federal intervention;
- XVIII. To authorize Brazilians to accept pensions, employment, or commissions from foreign governments;
- XIX. To send the proposed budget to the national Congress;
- XX. To render annually to the national Congress, within sixty days following the opening of a legislative session, the accounts relating to the previous year;
- XXI. To send a message to the national Congress, upon the opening of a legislative session, giving an account of the state of the nation and requesting such action as he may deem necessary;

XXII. To grant pardons and commute sentences, after hearing the recommendations of the organs instituted by law, if necessary.

Sole paragraph. The president of the republic may authorize or delegate the powers mentioned in items V, VIII, first part, XVIII, and XXII of this article to ministers of state or to other authorities, who shall observe the limits set forth in the authorizations and delegations.

Section III

The Responsibility of the President of the Republic

Article 82. Acts of the president are crimes of responsibility when they are attempts against the federal Constitution and, especially, against:

- I. The existence of the Union;
- II. The free exercise of the legislative branch, of the judicial branch, or of the constitutional powers of the states;
- III. The exercise of individual or social political rights;
- IV. The internal security of the country;
- V. The probity of the administration;
- VI. The budget law;
- VII. The execution of the laws and judicial decisions.

Sole paragraph. These crimes shall be defined in a special law, which shall establish the rules for prosecution and judgment.

Article 83. The president, after the Chamber of Deputies, by a vote of two thirds of its members, has declared impeachment in order, shall be tried before the federal Supreme Court, for common crimes, or before the federal Senate, for crimes of responsibility.

Paragraph 1. If impeachment has been declared in order, the president shall be suspended from his functions.

Paragraph 2. After sixty days have passed, if the trial has not been concluded the action shall be dropped.

Section IV

The Ministers of State

Article 84. The ministers of state, assistants to the president of the republic, shall be selected from among Brazilians over twenty-five years of age who are in the exercise of political rights.

Article 85. In addition to the powers the Constitution and the laws establish for them, the ministers shall have the power:

- I. To exercise guidance, coordination and supervision over the organs and entities of the federal administration in the area of their competence and to countersign the acts and decrees signed by the president;
- II. To issue instructions for the execution of laws, decrees, and regulations;
- III. To present to the president of the republic an annual report on the services carried out in the ministry; and
- IV. To perform the acts corresponding to the powers that the president of the republic may authorize or delegate to them.

Section V

National Security

Article 86. Every natural or juridical person is responsible for national security, within the limits defined by law.

Article 87. The National Security Council is the organ of the highest level in providing direct advice to the president of the republic for the formulation and execution of national security policy.

Article 88. The National Security Council is presided over by the president of the republic, and the vice president of the republic and all the ministers of state shall participate in it ex officio.

Sole paragraph. The law shall regulate the organization, competence, and functioning of the Council and may admit others to it as ex officio or special members.

Article 89. The National Security Council shall have the power:

- I. To establish the permanent national objectives and the bases for national policy;
- II. To study, in the domestic and foreign sphere, the matters of importance to national security;
- III. To indicate the areas that are indispensable to the national security and the municipalities considered to be important to it;
- IV. To give prior consent, in the areas indispensable to the national security, for:
 - a. Concession of lands, opening of transportation routes, and installation of means of communication;

- b. Construction of bridges, international roads, and airfields; and
- c. Establishment or operation of any industry affecting the national security;
- V. To modify or cancel the concessions or authorizations referred to in the preceding item; and
- VI. To grant permission for the operation of organs or delegations of foreign labor union entities, as well as to authorize the affiliation of national labor union organizations with such entities.

Sole paragraph. The law shall indicate the municipalities of importance to the national security and the areas indispensable to it and shall regulate their utilization, ensuring the predominance of Brazilian capital and workers in the industries located therein.

Section VI

The Armed Forces

Article 90. The armed forces, consisting of the Navy, the Army, and the Air Force, are permanent and regular national institutions, organized on the basis of rank and discipline, under the supreme authority of the president of the republic and within the limits of the law.

Article 91. It is the mission of the armed forces, which are essential to the execution of the national security policy, to defend the country and to guarantee the constituted powers, and law and order.

Sole paragraph. The president of the republic is responsible for the direction of war policy and the selection of the principal commanders.

Article 92. All Brazilians are obligated to military service or other duties necessary to the national security, under the terms and penalties of the law.

Sole paragraph. Women and clergymen are exempt from military service in peacetime but are subject to other duties the law may assign to them.

Article 93. Commissions, with the advantages, prerogatives, and duties inherent therein, are fully guaranteed not only to active and reserve officers but also to retired officers.

Paragraph 1. Military rank, posts, and uniforms are the exclusive right of active, reserve, or retired members of the armed forces. Uniforms shall be used in the manner the law determines.

Paragraph 2. An officer of the armed forces shall lose his post and commission only if he is declared unworthy of or incompatible with the rank of officer, by decision of a permanent military court, in time of peace, or of a special court, in time of war.

Paragraph 3. A member of the armed forces sentenced by a civil or military court to a punishment restricting individual liberty for more than two years, by final condemnatory sentence, shall be brought to trial as provided in the preceding paragraph.

Paragraph 4. A member of the armed forces on active duty appointed to any permanent public position not connected with his career shall immediately be transferred to the reserve, with the rights and duties defined by law.

Paragraph 5. The law shall regulate the situation of a member of the armed forces on active duty who is appointed to any temporary, civilian, nonelective public position, including a position with an autonomous agency. While he is in the service, he shall remain attached to the corresponding roster and may be promoted only for seniority, and his time of service shall be counted only for that promotion and transfer to inactive duty, which shall take place after two years of separation, continuous or not, as provided by law.

Paragraph 6. While he is receiving remuneration from the position referred to in the preceding paragraph, a member of the armed forces on active duty shall not be entitled to his regular salary and benefits, but his right to choose which salary he wishes to receive shall be assured.

Paragraph 7. The age limits and other conditions for the transfer of members of the armed forces to retirement shall be established by law.

Paragraph 8. Retirement benefits shall be adjusted if, because of a change in the purchasing power of money, the salaries of members of the armed forces on active duty are changed; with the exception of cases provided for by law, retirement benefits shall not exceed the remuneration received by a member of the armed forces on active duty in the position or rank corresponding to that of his benefits.

Paragraph 9. The prohibition against receiving more than one retirement benefit shall not be applied to members of the military reserve forces and to retired members, with respect to the holding of an elective office, with respect to performing the function of teaching or of a task to which they are appointed, or with respect to a contract for provision of technical or specialized services.

Section VII

The Public Ministry

Article 94. The law shall organize the public ministry of the Union along with the federal judges and courts.

Article 95. The federal public ministry shall have as its head the attorney general of the republic, appointed by the president of the republic, from among citizens over thirty-five years of age, who possess outstanding juridical knowledge and spotless reputation.

Paragraph 1. The members of the public ministry of the Union, of the Federal District and of the territories shall be admitted into the initial positions of the career through public competition on the basis of examination and presentation of

credentials; after two years of service they may not be dismissed except by judicial decision or by virtue of an administrative process in which they are allowed ample defense; nor may they be transferred, except upon representation of the attorney general, based upon the convenience of the service.

Paragraph 2. In districts in the interior of the country, the Union may be represented by the state public ministry.

Article 96. The public ministry of the states shall be organized on a career basis, by state law, observing the provisions of paragraph 1 of the preceding article.

Section VIII

Public Employees

Article 97. Public offices shall be open to all Brazilians who meet the requirements established by law.

Paragraph 1. For initial investiture in a public position, prior approval in public competition on the basis of examination or of examination and presentation of credentials is required, except for those cases indicated by law.

Paragraph 2. Examination shall not be required for appointment to posts the occupants of which may, as declared by law, be appointed and removed at will.

Article 98. The salaries for positions of the legislative branch and the judicial branch shall not be higher than those paid by the executive branch, for positions involving equal or similar functions.

Sole paragraph. Observing the provisions of this article, no linkage or equalization of any nature shall be permitted for purposes of the remuneration of the personnel of the public service.

Article 99. The holding of more than one remunerated position is prohibited, except:

- I. A position of judge and a teaching position;
- II. Two teaching positions;
- III. A teaching position and a technical or scientific position; or
- IV. Two positions exclusively as physician.

Paragraph 1. In any event, holding more than one position is permitted only when there is correlation of subjects and compatibility of schedules.

Paragraph 2. The prohibition against holding more than one position extends to positions, functions, or employment in autonomous entities, public enterprises, and mixed capital companies.

Paragraph 3. A supplementary law, which may be proposed only by the president of the republic, may, in the interests of the public service, establish other exceptions to the prohibition against holding more than one remunerated position, the exceptions being restricted to activities of a technical or scientific nature or teaching activities, but in any event correlation of subjects and compatibility of schedules is required.

Paragraph 4. The prohibition against receiving more than one salary shall not be applied to retired persons with respect to the holding of an elective office, with respect to a task to which they are appointed, or with respect to a contract for provision of technical or specialized services.

Article 100. Employees appointed on the basis of competition shall have permanent status after two years of service.

Sole paragraph. If his position is abolished or declared unnecessary by the executive branch, an employee with permanent status shall be placed on an availability list, with pay proportional to his length of service.

Article 101. An employee shall be retired:

- I. For disability;
- II. Compulsorily, at seventy years of age; or
- III. Voluntarily, after thirty-five years of service;

Sole paragraph. In the case of item III, the length of service shall be thirty years for women.

Article 102. Retirement payments shall be:

- I. At full salary, when the employee:
 - a. Has thirty-five years of service, if male, or thirty years of service if female;
 - b. Becomes disabled as the result of an accident sustained in service, or of an occupational disease or a serious, contagious, or incurable disease, specified by law.
- II. In proportion to the length of service, when the employee has less than thirty-five years of service, except for the provision in the sole paragraph of Article 101.

Paragraph 1. Retirement benefits shall be adjusted if because of a change in the purchasing power of money the salaries of active employees are changed.

Paragraph 2. With the exception of the provision in the preceding paragraph, in no case shall retirement benefits exceed the remuneration received in active service.

Paragraph 3. The time of federal, state, or municipal public service shall be calculated in full for purposes of retirement and availability lists, in accordance with the law.

Article 103. A supplementary law, which may be proposed only by the president of the republic, shall indicate what exceptions there may be to the established rules, as regards the time and nature of service for retirement, transfer to inactivity, and placement on availability lists.

Article 104. A public employee who holds an elective federal or state office shall be separated from the exercise of his regular position and may be promoted only for seniority.

Paragraph 1. The period of time of exercise of a federal or state office shall be counted as time of service only for purposes of promotion for seniority and retirement.

Paragraph 2. The law may establish other impediments for an employee who is a candidate for an elective office, or has been certified as elected to or is exercising such office.

Paragraph 3. A municipal employee invested with the unpaid office of councilman shall have the right to receive the benefits of his regular position for the days he attends the meetings of the Council.

Article 105. An employee shall be dismissed only:

- I. By virtue of a judicial decision, if he holds a life appointment.
- II. If he has permanent status, in the circumstance provided for in the preceding item or by an administrative procedure in which he is assured ample defense.

Sole paragraph. If the dismissal of an employee is invalidated by a court judgment, he shall be reinstated and the person who occupied his place shall be dismissed, or if the latter had held another position, he shall be restored to it, without right to indemnity compensation.

Article 106. A special law shall establish the legal rules applicable to employees hired for temporary service or employed on contract for functions of a technical or specialized nature.

Article 107. Juridical persons of public law are liable for any injury that their employees, acting as such, may cause to third parties.

Sole paragraph. There shall be recourse against the employee responsible, in the event of fault or malice.

Article 108. The provisions of this section apply to the employees of the three branches of the Union and to the employees, in general, of the states, the Federal District, the territories, and the municipalities.

Paragraph 1. Where appropriate, the systems of classification and the salary levels of the civil service positions of the corresponding executive branch shall apply to employees of the legislative branch and the judicial branch of the Union and of the states, and to those of the municipal councils.

Paragraph 2. The federal and state courts, as well as the federal Senate, the Chamber of Deputies, the state legislative assemblies, and the municipal councils may hire employees only on the basis of public competition by examination, or examination and presentation of credentials, after the creation of the corresponding positions by a law approved by an absolute majority of the members of the competent legislative houses.

Paragraph 3. The law to which the preceding paragraph refers shall be voted on in two sessions, with an interval of at least forty-eight hours between them.

Paragraph 4. Amendments to the bills dealt with in paragraphs 2 and 3 that in any way increase the expenditures or the number of positions provided for shall be admitted only if they are signed by at least one half of the members of the respective legislative houses.

Article 109. A federal law, to be proposed only by the president of the republic, shall, observing the provisions of Article 97 and its paragraph 1 and of paragraph 2 of Article 108, define:

- I. The legal rules applicable to the public employees of the Union, the Federal District, and the territories;
- II. The manner of and conditions for filling public positions; and
- III. The conditions for acquiring permanent status.

Article 110. Lawsuits arising from work relations of employees of the Union, including the federal autonomous agencies and public enterprises, whatever their legal rules, shall be brought and tried before the federal judges, and if an appeal is in order, it should be made to the federal Court of Appeals.

Article 111. The law may establish an administrative contentious court and give it jurisdiction over the cases mentioned in the preceding article.

Chapter VIII

The Judicial Branch

Section I

Preliminary Provisions

Article 112. The judicial power of the Union is exercised by the following organs:

- I. The federal Supreme Court;
- II. The federal Court of Appeals and federal judges;
- III. Military courts and judges;
- IV. Electoral courts and judges;
- V. Labor courts and judges;
- VI. State courts and judges.

Sole paragraph. For cases or lawsuits to be defined by law, summary proceedings of trial and judgment may be instituted, observing the criteria of decentralization, economy, and convenience of the parties.

Article 113. Except as expressly restricted in this Constitution, judges shall enjoy the following guarantees:

- I. Life tenure, with immunity from losing office except by judicial decision;
- II. Immunity from transfer, except for a reason of public interest and in the manner indicated in paragraph 2; and
- III. No reduction of salary, which, however, shall be subject to general taxes, including the income tax and the special taxes provided for in Article 22.

Paragraph 1. Retirement shall be compulsory at seventy years of age or for proven disability, and optional after thirty years of public service, in all of these cases at full salary.

Paragraph 2. The competent court may, for a reason of public interest, by a secret vote of two thirds of its judges in office, decide upon the transfer of a judge of a lower category or his placement on an availability list with salary proportional to the length of service, assuring him defense. The court may proceed in the same manner with regard to its own judges.

Article 114. Judges are forbidden, under pain of loss of judicial office:

- I. To exercise, even when on an availability list, any other public function except a teaching position and in the cases provided for in this Constitution.
- II. To receive percentages for any reason or under any pretext, in actions subject to their examination and judgment; and
- III. To engage in partisan political activity.

Article 115. The courts shall have the power:

- I. To elect their presidents and other directive officers;

- II. To draw up their own internal regulations and organize auxiliary services, filling the positions in them according to law; to propose to the legislative branch the creation or abolition of positions and the fixing of the corresponding salaries; and
- III. To grant leave with pay and without pay, in accordance with the provisions of law, to their members and to the judges and employees who are immediately subordinate to them.

Article 116. Only by the vote of an absolute majority of their members may the courts declare a law or an act of the public power unconstitutional.

Article 117. Payments owed by the federal treasury or a state or municipal treasury by virtue of a judicial judgment shall be made in the order of presentation of the supplicants and charged to the corresponding credits, it being prohibited to designate cases or persons in the budgetary allocations or in the extrabudgetary credits opened for this purpose.

Paragraph 1. It shall be obligatory to include in the budgets of entities of public law the item necessary for payment of their debts by reason of judicial supplications presented prior to July 1.

Paragraph 2. The budgetary allocations and the credits opened shall be assigned to the judicial branch, and their respective amounts shall be distributed to the competent offices. The president of the court that made the decision that is to be executed shall be responsible for determining the amount of payment, according to the possibilities of the deposit, and authorize, on the petition of a creditor who has been passed over in his right of precedence, and after the chief of the public ministry has been heard, the sequestration of the amount necessary to satisfy the debt.

Section II

The Federal Supreme Court

Article 118. The federal Supreme Court, with its seat in the capital of the Union and jurisdiction throughout the national territory, shall be composed of eleven justices.

Sole paragraph. The justices shall be appointed by the president of the republic, after the selection has been approved by the federal Senate, from among citizens over thirty-five years of age, of notable juridical learning and of spotless reputation.

Article 119. The federal Supreme Court shall have the power:

- I. To try and to judge in the first instance:
 - a. In common crimes, the president of the republic, the vice president, the deputies and senators, the ministers of state, and the attorney general of the republic;

- b. In common crimes and crimes of responsibility, the ministers of state, except as provided in Article 42, item 1; the members of the superior courts of the Union and of the courts of justice of the states, of the territories and of the Federal District; the judges of the Tribunal of Accounts of the Union; and the chiefs of diplomatic missions of a permanent character;
 - c. Litigation between a foreign state or an international organization and the Union, a state, the Federal District, or a territory;
 - d. Cases and disputes between the Union and a state or territory, or between states and/or territories, including the respective organs of indirect administration;
 - e. Conflicts of jurisdiction between federal courts of different categories or between state courts or courts of the Federal District;
 - f. Conflicts of powers between administrative and judicial authorities of the Union or between judicial authorities of a state and the administrative authorities of another or of the Federal District or a territory, or between those of the latter and those of the Union;
 - g. Extradition requested by a foreign state and the homologation of foreign judgments;
 - h. Habeas corpus, when the party exercising or suffering restraint is a court, authority, or official whose acts are directly subject to the jurisdiction of the federal Supreme Court or in cases of crime subject to that same jurisdiction in sole instance;
 - i. Writs of security against acts of the president of the republic, of the officers of the Chamber of Deputies or of the federal Senate, of the president of the federal Supreme Court or of the Tribunal of Accounts of the Union, as well as those sought by the Union against acts of state governors;
 - j. A declaration of suspension of political rights, in the manner provided for in Article 154;
 - l. A representation of the attorney general of the republic as to the unconstitutionality of a federal or state law or regulatory act;
 - m. Appeals, in criminal cases, and rescissory actions against its decisions;
 - n. The execution of judgments in cases where it has original jurisdiction, the court having the right to delegate acts of procedure:
- II. To judge on ordinary appeal:
- a. Cases in which a foreign state or international organization, on one side, and, on the other, a municipality or a person domiciled or resident in the country are parties;

- b. The cases provided for in Article 129, paragraphs 1 and 2; and
 - c. Habeas corpus decided in sole or final instance by the federal or state courts of justice, when the decision is one of denial, without the possibility of replacement of the appeal by an original request.
- III. To judge, on special appeal, cases decided in sole or final instance by other courts or judges, when the decision:
- a. Is contrary to a provision of this Constitution or denies effect to a federal treaty or law;
 - b. Declares a federal treaty or law unconstitutional;
 - c. Holds valid a law or act of a local government contested in the light of this Constitution or a federal law; or
 - d. Gives to a federal law an interpretation divergent from that which has been given to it by another court or by the federal Supreme Court itself.

Sole paragraph. The cases referred to in item III, a and d, of this article shall be indicated by the federal Supreme Court in its internal regulations, which shall take into account their nature, type, or pecuniary value.

Article 120. The federal Supreme Court shall function as a whole or divided into panels.

Sole paragraph. Internal regulations shall establish:

- a. The jurisdiction of the full court, in addition to the cases provided for in subparagraphs a, b, c, d, i, j, and l, of Article 119, item I, which are within its exclusive jurisdiction;
- b. The composition and jurisdiction of the panels;
- c. The procedure and judgment for the cases within its original or appellate jurisdiction;
- d. The power of its president to grant exequatur to letters rogatory from foreign courts.

Section III

The Federal Courts of Appeals

Article 121. The federal Court of Appeals shall be composed of thirteen judges appointed for life by the president of the republic, after the selection has been approved by the federal Senate, eight from among magistrates and five from among lawyers and members of the public ministry, who meet the requirements stipulated in the sole paragraph of Article 113.

Paragraph 1. A supplementary law may create federal courts of appeals, one in the State of Pernambuco and the other in the State of São Paulo, establishing their jurisdiction and the number of judges for them, the selection of whom shall be in accordance with this article, and the supplementary law may also make provisions concerning the division of the present courts and of the new ones into chambers with exclusive competence, and maintain or reduce the number of their judges.

Paragraph 2. The federal Court of Appeals, with its seat in the capital of the Union, shall have exclusive jurisdiction over writs of security against an act of a minister of state.

Paragraph 3. The federal courts of appeals shall function as a whole or in chambers or panels.

Article 122. The federal Court of Appeals shall have the power:

I. To try and judge in the first instance:

- a. Appeals in criminal cases and rescissory actions against their decisions;
- b. Federal judges, labor court judges and members or regional labor courts, members of the Tribunals of Accounts and those of the Federal District, in common crimes and crimes of responsibility;
- c. Writs of security against acts of ministers of state, of the president of the court itself, or its chambers or panels, or the person responsible for the general direction of the federal police, or a federal judge;
- d. Habeas corpus when the authority exercising restraint is a minister of state or the person responsible for the general direction of the federal policy, or a federal judge; and
- e. Conflicts of jurisdiction between federal judges subordinate to the same court or between its chambers or panels; between federal judges of different categories; between federal judges subordinate to different courts; between judges of different states; between judges of states and of the Federal District or the territories; between Federal District judges and those of the territories; and disputes between judges of one territory and those of another; and

II. To judge, on appeal, the cases decided by federal judges.

Sole paragraph. The law may establish original jurisdiction of the federal Court of Appeals for annulment of administrative acts with regard to taxation.

Section IV

Federal Judges

Article 123. The federal judges shall be appointed by the president of the republic from among substitute federal judges, alternately on a seniority basis and on the basis of a merit list of three persons, organized by the federal Court of Appeals with jurisdiction in the juridical district where the vacancy occurred.

Paragraph 1. The filling of the office of a substitute federal judge shall be by public competition on the basis of examinations and presentation of credentials, organized by the federal Court of Appeals, according to the jurisdiction involved, and candidates should fulfill the requirements of high moral character and be more than twenty-five years of age.

Article 124. Each state, and also the Federal District, shall constitute a judicial section, the seat of which shall be the corresponding capital, with local jurisdictions as established by law.

Sole paragraph. In the territories of Amapá, Roraima and Rondônia, the jurisdiction and the duties entrusted to federal judges shall be assigned to judges of local justice, in the manner stipulated by the law. The Territory of Fernando de Noronha shall be included in the judicial section of the State of Pernambuco.

Article 125. The federal judges shall have the power to try and to judge in the first instance:

- I. Cases in which the Union, an autonomous entity, or a federal public enterprise is an interested party in the capacity of plaintiff, defendant, or party intervening in support or opposition, except those concerning bankruptcies and those subject to electoral or military justice;
- II. Cases between a foreign state or international organization and a municipality or person domiciled or resident in Brazil;
- III. Cases based on a treaty or on a contract between the Union and a foreign state or international organization;
- IV. Political crimes and crimes committed to the detriment of goods, services, or an interest of the Union or of its autonomous entities or public enterprises, respect for the jurisdiction of military justice and electoral justice being observed;
- V. Crimes covered by an international treaty or convention and those committed aboard ships or aircraft, respect for the jurisdiction of military justice being observed;
- VI. Crimes against a labor organization, or resulting from a strike;
- VII. Habeas corpus in criminal matters within their jurisdiction, or when the restraint is exercised by an authority whose acts are not directly subject to another jurisdiction;

- VIII. Writs of security against an act of federal authority except in the cases in which the federal courts have jurisdiction;
- IX. Questions of maritime law and navigation, including aerial navigation;
- X. Crimes of illegal entry or stay by a foreigner, execution of letters rogatory, after exequatur, and of foreign judgments, after homologation; cases concerning nationality, including option with regard thereto, and naturalization.

Paragraph 1. Cases in which the Union is the plaintiff shall be heard in the capital of the state or territory in which the other party has his domicile; cases brought against the Union may be heard in the capital of the state or territory in which the plaintiff has his domicile, in the capital of the state in which the act or deed that gave rise to the complaint occurred or in which the object is situated, or in the Federal District.

Paragraph 2. Cases brought before other judges, if the Union intervenes in them in support or opposition, shall be transferred to the jurisdiction of the corresponding federal judge.

Paragraph 3. Cases in which an institution of social welfare is a party and of which the object is benefit of a monetary nature shall be tried and judged within state justice in the court of the domicile of the insured participants or the beneficiaries, provided that the place is not the seat of a federal judge's district. Appeal, in applicable cases, should be taken to the federal Court of Appeals.

Paragraph 4. In the ports and airports where no federal justice section exists, the ratifications of complaints as to acts taking place on board a vessel or aircraft shall be tried before a state justice.

Article 126. The law may permit fiscal and other action to be pursued and it may assign the legal representation of the Union to the corresponding public ministry.

Section V

Military Courts and Judges

Article 127. The Superior Military Court and such lower courts and judges as are established by law are organs of military justice.

Article 128. The Superior Military Court shall be composed of fifteen judges, appointed for life by the president of the republic after their selection has been approved by the federal Senate, three of them being selected from among active Navy flag officers, four from among active general officers of the Army, three from among active general officers of the Air Force, and five from among civilians.

Paragraph 1. The civilian judges shall be citizens over thirty-five years of age, freely selected by the president of the republic as follows:

- a. Three of them being of recognized juridical learning and high moral character, with more than ten years of court experience; and
- b. Two of them being judges or members of the public ministry of military justice, of proven juridical learning.

Paragraph 2. The military and civilian judges of the Superior Military Court shall receive remuneration equal to that of the judges of the federal Court of Appeals.

Paragraph 3. In exceptional cases, general officers of the reserve, of the first class, may be appointed justices of the Superior Military Court.

Article 129. The military courts shall have the power to try and to judge military and related personnel for military crimes defined by law.

Paragraph 1. This special jurisdiction may be extended to civilians in cases provided for by law, for the repression of crimes against national security or the military institutions.

Paragraph 2. The Superior Military Court shall have the power to try and to judge, in the first instance, the state governors and their secretaries, for the crimes referred to in paragraph 1.

Paragraph 3. The law shall regulate the application of the penalties of military legislation.

Section VI

Electoral Courts and Judges

Article 130. The organs of electoral justice are:

- I. The Superior Electoral Court;
- II. Regional electoral courts;
- III. Electoral judges;
- IV. Electoral boards.

Sole paragraph. Except for justifiable reason, the judges of the electoral courts shall compulsorily serve for at least two years, and never for more than two consecutive two-year terms; their alternates shall be chosen at the same time and by the same procedure, in equal number for each category.

Article 131. The Superior Electoral Court, with its seat in the capital of the Union, shall be composed:

- I. By election by secret ballot:
 - a. Of three judges chosen from among the justices of the federal Supreme Court;

b. Of two judges chosen from among the members of the federal Court of Appeals of the capital of the Union.

II. By appointment by the president of the republic of two from among six lawyers of outstanding juridical learning and high moral character, suggested by the federal Supreme Court.

Sole paragraph. The Superior Electoral Court shall elect its president and its vice president from among the three justices of the federal Supreme Court.

Article 132. There shall be a regional electoral court in the capital of each state and in the Federal District.

Article 133. The regional electoral courts shall be composed:

I. By election by secret ballot:

a. Of two judges chosen from among the judges of the Court of Justice;

b. Of two judges chosen by the Court of Justice from among the judges of law;

II. Of the federal judge, and where there is more than one, of the one who is chosen by the federal Court of Appeals;

III. By appointment by the president of the republic of two from among six citizens of notable juridical learning and high moral character, suggested by the Court of Justice.

Paragraph 1. Each regional electoral court shall elect as its president one of the two judges of the Court of Justice, and the other shall occupy its vice presidency.

Paragraph 2. The number of judges of the regional electoral courts may not be reduced, but it may be raised, by law, at the proposal of the Superior Electoral Court.

Article 134. The law shall provide for the organization of the electoral boards, which shall be presided over by a judge of law, and whose members shall be appointed by the president of the regional electoral court, after approval by the latter.

Article 135. The judges of law shall exercise the functions of electoral judges, with full jurisdiction and in the manner provided for by law.

Sole paragraph. The law may grant other judges competence for functions other than those of decision.

Article 136. The judges and members of the electoral courts and boards shall, during the exercise of their functions, and insofar as may be applicable to them, enjoy full guarantees, and shall be nonremovable.

Article 137. The law shall establish the competence of the electoral judges and courts, including among their powers:

- I. The registration and cancellation of registration of political parties, as well as control of their finances;
- II. The electoral division of the country;
- III. Electoral registration;
- IV. Fixing the dates of elections, when not determined by constitutional or legal provision;
- V. The holding of elections and counting of votes and the issuance of credentials;
- VI. Decision on allegations of ineligibility;
- VII. The trial and judgment of electoral crimes and crimes connected therewith, as well as of habeas corpus and writs of security in electoral matters;
- VIII. Judgment of complaints relative to obligations imposed by law on political parties;
- IX. Decreeing of loss of mandate of senators, deputies, and municipal councilmen in the cases dealt with in the sole paragraph of Article 152.

Article 138. Appeals from the decisions of regional electoral courts may be taken to the Superior Electoral Court only when:

- I. The decisions violate an express provision of law;
- II. A difference in interpretation of law between two or more electoral courts occurs;
- III. They relate to the ineligibility or to the issuance of credentials to those elected in federal or state elections;
- IV. They deny habeas corpus or a writ of security.

Article 139. Decisions of the Superior Electoral Court may not be appealed, except those which are contrary to this Constitution and those denying habeas corpus or writ of security, which may be appealed to the federal Supreme Court.

Article 140. The federal territories of Amapá, Roraima, Rondônia, and Fernando de Noronha are, respectively, under the jurisdictions of the regional electoral courts of Pará, Amazonas, Acre, and Pernambuco.

Section VII

Labor Courts and Judges

Article 141. The organs of labor justice are:

- I. The Superior Labor Court;
- II. Regional labor courts;
- III. Boards of conciliation and judgment.

Paragraph 1. The Superior Labor Court shall be composed of seventeen judges with the rank of minister, who shall be:

- a. Eleven magistrates for life, appointed by the president of the republic after their selection has been approved by the federal Senate, seven from among magistrates of labor justice, two from among lawyers actively practicing the profession, and two from among members of the public ministry of labor justice, all meeting the requirements set forth in Article 118, sole paragraph;
- b. Six temporary judges in equal group representation of employers and workers, appointed by the president of the republic in accordance with the provisions of law; their reappointment for more than two terms is prohibited.

Paragraph 2. The law shall fix the number of regional labor courts and their respective seats and shall establish the boards of conciliation and judgment, and may assign the jurisdiction of such boards to judges of law in districts where boards are not established.

Paragraph 3. Other organs of labor justice may be created by law.

Paragraph 4. The provisions of paragraph 1 being observed, the law shall provide for the constitution, investiture, jurisdiction, competence, guarantees, and conditions for the exercise of the organs of labor justice, preserving equality of representation of employers and workers.

Paragraph 5. The regional labor courts shall be composed two thirds of magistrates for life and one third of temporary judges in group representation, assuring, among the magistrates, the participation of lawyers and members of the public ministry of labor justice, in the proportion established in subheading a of paragraph 1.

Article 142. Labor justice shall have the power to conciliate and judge individual and collective disputes between employees and employers and other controversies arising out of labor relations.

Paragraph 1. The law shall specify the cases in which decisions in collective disputes may establish standards and conditions of work.

Paragraph 2. Disputes relative to work accidents are within the jurisdiction of the ordinary courts, of the states, the Federal District or the territories.

Article 143. Decisions of the Superior Labor Court may not be appealed, unless they are contrary to this Constitution, in which case they may be appealed to the federal Supreme Court.

Section VIII

State Courts and Judges

Article 144. The states shall organize their justice, observing Articles 113 through 117 of this Constitution and the following provisions:

- I. Entry into career magistracy shall be allowed on the basis of competitive examination and presentation of degrees, conducted by the Court of Justice with the participation of the Sectional Council of the Order of Lawyers of Brazil; suggestion of candidates shall be made wherever possible through a list of three names.
- II. The promotion of judges shall be made from one classification to another according to seniority and merit, alternately, observing the following:
 - a. Seniority shall be ascertained from classification, merit being ascertained through a list of three names;
 - b. In the case of seniority, the court may reject the judge with longest service only by the vote of an absolute majority of its members, repeating the voting until the selection is determined;
 - c. A judge may be promoted only after three years of service in a given classification, unless there is no one who meets this requirement who will accept the vacant post.
- III. Access to membership on the courts of second instance shall be given on the basis of seniority and merit, alternately. Seniority shall be ascertained from the last classification, when it is a question of promotion to the court of justice. In the case of seniority, the Court of Justice may reject the judge with longest service only by the vote of a majority of the judges, repeating the voting until the selection is determined. In the case of merit, the list of three names shall be made up of names selected from among judges in any classification.
- IV. In the composition of any court, one fifth of the places shall be filled by lawyers actively practicing the profession and members of the public ministry, all of recognized merit and high moral character, with at least ten years of law practice. The places reserved for lawyers or members of the public ministry shall be filled, respectively, by lawyers or members of the public ministry suggested on a list of three names.

Paragraph 1. The law may create, on proposal by the Court of Justice:

- a. Lower courts of second instance, with jurisdiction in cases involving limited value, or objects, or both;

- b. Magistrates with investiture for a limited time, who shall have competence to judge cases involving small value and who may substitute for life-tenure judges;
- c. A temporary justice of the peace, with competence for licensing and performing marriages and other acts specified by law and with judicial powers of substitution, except for final or unappealable judgments;
- d. State military justice of first instance made up of the councils of justice, which shall have the Court of Justice itself as organs of second instance.

Paragraph 2. In case of transfer of the seat of the court, a judge is authorized to move to the new seat or to a district of equal classification, or to obtain placement on an availability list with full remuneration.

Paragraph 3. The Court of Justice shall have exclusive power to try and to judge the members of the court of local jurisdiction and the judges of lower instance for common crimes and crimes of responsibility, the jurisdiction of electoral justice being preserved.

Paragraph 4. The remuneration of the life-term judges shall be fixed with a difference not exceeding twenty percent between one classification and the next, with those of the highest classification to receive not less than two thirds of the remuneration of the judges (of the Court of Justice), and no state justice may receive a total monthly amount higher than the maximum limit established by federal law.

Paragraph 5. The Court of Justice is responsible for making provisions, by a resolution of an absolute majority of its members, with regard to judiciary division and organization, which may not be altered more frequently than once every five years.

Paragraph 6. A change in the number of members of the Court of Justice or of the inferior courts of second instance shall depend on a proposal of the Court of Justice.

Title II

Declaration of Rights

Chapter I

Nationality

Article 145. The following are:

- I. Natural-born Brazilians:
 - a. Persons born in Brazil, even though of foreign parents, if the latter are not in the service of their country;

- b. Persons born outside the national territory to a Brazilian father or mother, if either of them is in the service of Brazil; and
- c. Persons born in a foreign country to a Brazilian father or mother, neither parent being in the service of Brazil, provided that, being registered in the competent Brazilian office abroad, or, not being registered, they come to reside in Brazil before reaching their majority; in this case, having reached their majority, they must opt for Brazilian nationality within four years;

II. Naturalized Brazilians:

- a. Persons who acquired Brazilian nationality under the terms of Article 69, items IV and V, of the Constitution of February 24, 1891;
- b. Persons naturalized in the manner established by law:
 - 1. Persons born in a foreign country who have been admitted to Brazil during the first five years of life, and who are definitely settled in the national territory. In order to conserve Brazilian nationality, they must unequivocally declare, within two years after reaching their majority, their desire to have that nationality.
 - 2. Persons born in a foreign country who, having come to reside in the country before reaching their majority, pursue a course of higher education in a national institution and request Brazilian nationality within one year after graduation;
 - 3. Persons who acquire Brazilian nationality in some other way, it being required of the Portuguese merely that they have one uninterrupted year of residence and that they be of good moral character and physical health.

Sole paragraph. Only natural-born Brazilians may hold the following offices: president and vice president of the republic, minister of state; justice of the federal Supreme Court, the Superior Military Court, the Superior Electoral Court, the Superior Labor Court, the federal Court of Appeals, or the Tribunal of Accounts of the Union; attorney general of the republic; senator; federal deputy; governor of the Federal District, governor or vice governor of a state or territory; or alternates of the foregoing; ambassador and career diplomat, or officer of the Navy, the Army, or the Air Force.

Article 146. Nationality shall be lost by a Brazilian:

- I. Who, by voluntary naturalization, acquires another nationality;
- II. Who, without permission from the president of the republic, accepts an appointment, employment, or pension from a foreign government; or
- III. Whose naturalization is cancelled by a judicial sentence because of his engaging in activity contrary to the national interest.

Sole paragraph. The acquisition of nationality obtained by fraud contrary to the law shall be annulled by decree of the president of the republic.

Chapter II

Political Rights

Article 147. Brazilians over eighteen years of age registered as prescribed by law shall be voters.

Paragraph 1. Registration and voting are obligatory for Brazilians of both sexes, subject to the exceptions established by law.

Paragraph 2. A member of the armed forces may register if he is an officer, officer-candidate, midshipman, warrant officer, noncommissioned officer, or student in a military school of higher education for officer training.

Paragraph 3. The following may not register as voters:

- a. Illiterate persons;
- b. Those who do not know how to express themselves in the national language;
- c. Those who are deprived, temporarily or permanently, of political rights.

Article 148. Suffrage shall be universal and voting shall be direct and secret, except in the cases where it is otherwise provided in this Constitution; political parties shall have complete or partial proportional representation, in the manner established by law.

Article 149. The suspension or loss of political rights may be declared, with the person who is the object of the action being assured ample defense.

Paragraph 1. The president of the republic shall decree the loss of political rights:

- a. In the cases of Article 146, items I and II, and sole paragraph;
- b. For refusal, based on religious, philosophical, or political convictions, to perform a duty or service required of Brazilians in general; or
- c. For acceptance of a foreign decoration or title of nobility that implies restriction of the right of citizenship or duty toward the Brazilian state.

Paragraph 2. Loss or suspension of political rights shall result from a judicial decision:

- a. In the case of Article 146, item III;
- b. For absolute civil incapacity; or
- c. For criminal conviction, as long as its effects may last.

Paragraph 3. A supplementary law shall stipulate regarding the specification of political rights, the enjoyment, the exercise, the loss or suspension of all or any of them and the cases in which they may be reinstated and the conditions therefor.

Article 150. Persons who may not be registered may not be elected to office.

Paragraph 1. Members of the armed forces may be elected to office, under the following conditions:

- a. A member of the armed forces who has less than five years of service shall, when he becomes a candidate for elective office, be excluded from active service;
- b. A member of the armed forces on active duty who has five or more years of service shall, when he becomes a candidate for elective office, be removed temporarily from active service and attached in order to take care of private interest.
- c. A member of the armed forces not excluded, if elected, shall, at the time when he is given his credentials of election, be transferred to the reserve as provided by law.

Paragraph 2. The eligibility to which reference is made in subparagraphs a and b of the preceding paragraph does not depend, for members of the armed forces on active duty, on affiliation with a political party, which may at present be or in the future become a legal requirement.

Article 151. A supplementary law shall establish the cases of ineligibility and the time periods when this shall cease, with a view to the preservation:

- I. Of the democratic system;
- II. Of administrative honesty;
- III. Of the normality and legitimacy of elections, aimed against abuse in the exercise of a directly or indirectly administered government function, position, or employment, or against abuse of financial power; and
- IV. Of morality in the exercise of the office, taking into consideration the experience of the candidate prior thereto.

Sole paragraph. The following standards shall be observed, and are to take force at once, in the preparation of the supplementary law:

- a. The ineligibility of persons who have held the office of president or vice president of the republic, of governor or vice governor, of prefect or vice prefect, for any period of time in the immediately preceding term;
- b. The ineligibility of the person who within the six months preceding the election succeeded the office holder or has served as substitute for the latter, in any of the offices indicated in subparagraph a;

- c. The ineligibility of the actual or interim office holder occupying a position or function the exercise of which might have the influence of disturbing the normality of the elections or casting doubt on their legitimacy, unless the person concerned removes himself from the position or the function within the period set by law, which shall not be more than six nor less than two months preceding the election;
- d. The ineligibility, in the territory of the jurisdiction of the office holder, of the spouse and the relatives to the third degree of consanguinity or affinity, or relatives by adoption, of the president of the republic, the governor of a state or territory, a prefect or a person who substituted for any of the foregoing within the six months preceding the election; and
- e. The compulsory nature of electoral domicile in the state or in the municipality for a period of between one and two years, determined according to the nature of the office or function.

Chapter III

Political Parties

Article 152. The organization, functioning, and dissolution of political parties shall be regulated by federal law, the following principles being observed:

- I. A representative and democratic system, based on plurality of parties and on guarantee of the fundamental rights of man;
- II. Juridical personality, through registration of bylaws;
- III. Continuing activities, within a program approved by the Superior Electoral Court, and without any connection of any nature with the action of foreign governments, entities, or parties;
- IV. Financial control;
- V. Party discipline;
- VI. National scope, without prejudice to the deliberative functions of local executive committees;
- VII. Requirement of five percent of the electorate that voted in the last general election for the Chamber of Deputies, distributed in at least seven states, with a minimum of seven percent in each of them.
- VIII. Prohibition of coalitions of parties.

Sole paragraph. An office held in the federal Senate, the Chamber of Deputies, the legislative assemblies, or the municipal councils shall be lost by a person who, by attitudes or by vote, opposes the directives legitimately established by the organs of party leadership or who leaves the party under whose emblem he was elected. The loss of office shall be decreed by electoral justice, upon the representation of the party, and the right to full defense shall be assured.

Chapter IV

Individual Rights and Guarantees

Article 153. The Constitution ensures to Brazilians and to foreigners residing in the country the inviolability of rights concerning life, liberty, security, and property, in the following terms:

Paragraph 1. All are equal before the law, without distinction as to sex, race, occupation, religious creed, or political convictions. Racial prejudice shall be punished by law.

Paragraph 2. No one shall be compelled to do or refrain from doing anything except by law.

Paragraph 3. The law shall not prejudice any vested right, any juridical act accomplished, or any adjudicated matter.

Paragraph 4. The law shall not exclude any injury to individual rights from consideration by the judicial branch.

Paragraph 5. There shall be full freedom of conscience, and believers shall be assured the right to practice religious cults that are not contrary to public order or good morals.

Paragraph 6. No one shall be deprived of any of his rights by reason of religious belief or philosophical or political conviction, unless he invokes it to exempt himself from a legal obligation required of all, for which case the law may establish loss of the rights incompatible with conscientious excusal.

Paragraph 7. Without being compulsory, religious ministrations shall be offered by Brazilians, as provided by law, to the armed and auxiliary forces and, when requested by the interested parties, directly or through their legal representatives, in establishments of collective confinement.

Paragraph 8. The expression of thought or of political or philosophical conviction and the providing of information shall be free and shall not be subject to censorship, except as regards public performances and amusements, and every person shall be responsible, as provided by law, for any abuses he may commit. The right of reply is assured. The publication of books, newspapers, and periodicals does not depend upon permission from an authority. However, propaganda for war, for subversion of order, or for religious, race, or class prejudice shall not be tolerated, nor shall publications and expressions contrary to good morals.

Paragraph 9. The secrecy of correspondence and telegraph and telephone communications is inviolable.

Paragraph 10. The home is the inviolable refuge of the individual. No one may enter therein at night, without the consent of the dweller, except in the event of crime or disaster, or during the day, except in those cases and in the manner prescribed by law.

Paragraph 11. There shall be no penalty of death, of life imprisonment, of banishment, or of confiscation, except in the case of foreign war, hostile psychological warfare, or revolutionary or subversive war, as determined by law. The law shall also make provision regarding loss of property for injuries caused to the public treasury or of unlawful enrichment in the performance of a directly or indirectly administered public post, function, or employment.

Paragraph 12. No one shall be arrested except in the act of committing a crime or by written order issued by a competent authority. The law shall make provision regarding the furnishing of bond. The arrest or detention of any person shall be immediately communicated to the competent judge, who, if it should not be legal, shall release such person.

Paragraph 13. No penalty shall extend beyond the person of the delinquent. The law shall regulate the individualization of punishment.

Paragraph 14. All authorities shall be required to respect the physical and moral integrity of arrested and imprisoned persons.

Paragraph 15. The law shall assure accused persons of full defense, with the recourses inherent therein. There shall be no privileges at law and no exceptional courts.

Paragraph 16. Criminal examination shall be contestable, and the law in effect at the time of commission of the crime shall be observed as regards the crime and the punishment, except when it makes the situation of the defendant worse.

Paragraph 17. There shall be no civil imprisonment for debt, fines, or costs, except in the case of an unfaithful custodian or of a person responsible for failure to fulfill an obligation of support, as prescribed by law.

Paragraph 18. The institution of the jury shall be maintained and a jury shall have competence for the judgment of wilful crimes against life.

Paragraph 19. Extradition of a foreigner shall not be granted for a political crime or crime of opinion, nor shall extradition of a Brazilian in any case.

Paragraph 20. Habeas corpus shall be granted whenever anyone shall suffer, or shall be threatened with suffering, violence or restraint in his freedom of movement, by illegality or abuse of power. In disciplinary offenses, habeas corpus shall not apply.

Paragraph 21. A writ of security shall be granted to protect a clear and certain right of an individual not protected by habeas corpus, regardless of what authority may be responsible for the illegality or abuse of power.

Paragraph 22. The right to own property shall be guaranteed, except in case of expropriation for public necessity or utility or social interest, with previous and fair compensation in money, except as provided in Article 161, and the person whose property is expropriated shall have the choice of accepting payment in public debt securities, with a clause of exact monetary adjustment. In case of imminent public danger, the competent authorities may use private property, with assurance of subsequent compensation to the owner.

Paragraph 23. The exercise of any work, trade, or profession shall be free, with observance of such conditions regarding capacity as the law may prescribe.

Paragraph 24. The law shall guarantee to the authors of industrial inventions temporary privilege for their utilization and shall assure ownership of industrial and commercial trademarks, as well as the exclusive use of a trade name.

Paragraph 25. To the authors of literary, artistic, or scientific works shall belong the exclusive right to utilize them. This right shall be transmissible by inheritance, for such time as the law may determine.

Paragraph 26. In time of peace any person may enter the national territory with his goods, remain there, or depart therefrom, so long as the provisions of law are respected.

Paragraph 27. All may assemble without arms, without intervention by the authorities except to maintain order. The law may determine the cases in which it will be necessary for the authorities to be informed in advance of, or for them to designate, the place of the meeting.

Paragraph 28. Freedom of association for lawful purposes shall be guaranteed. No association may be dissolved (by compulsion) except by virtue of a judicial decision.

Paragraph 29. No tax shall be demanded or increased except as the law shall establish, nor shall tax be collected in each fiscal year unless the law that instituted or increased it was in force prior to the beginning of the fiscal year, exception being made of the customs tariff, taxes on transportation, taxes on industrialized products, and taxes levied on account of war.

Paragraph 30. Every person shall be assured the right to make representation to and to petition the public powers in the defense of rights or against abuses of authority.

Paragraph 31. Any citizen may be a legitimate party to propose popular action with a view to annulling acts injurious to the patrimony of public entities.

Paragraph 32. Judicial assistance shall be granted to the needy in such form as prescribed by law.

Paragraph 33. The succession to property of foreigners, located in Brazil, shall be regulated by Brazilian law, for the benefit of the spouse or Brazilian children, whenever the personal law of the deceased is not more favorable to them.

Paragraph 34. The law shall make provisions concerning the purchase of land by a Brazilian and by a foreigner residing in the country, as well as by a natural or juridical person, establishing conditions, restrictions, limitations, and further requirements, for the protection of the integrity of the territory, the security of the state, and the fair distribution of property.

Paragraph 35. The law shall ensure the issuance of certificates requested of the administrative departments, for the defense of rights and the clarification of situations.

Paragraph 36. The specification of the rights and guarantees expressed in this Constitution shall not exclude other rights and guarantees resulting from the system and from the principles that it adopts.

Article 154. Abuse of individual or political rights for the purpose of subversion of the democratic system or to practice corruption shall incur suspension of those rights for from two to ten years, which suspension shall be declared by the federal Supreme Court, upon representation by the attorney general of the republic, without prejudice to appropriate civil or criminal action, with the defendant being assured full defense.

Sole paragraph. In the case of a holder of an elective office, the process shall not depend upon permission from the chamber to which he belongs.

Chapter V

The State of Siege

Article 155. The president of the republic may decree a state of siege in case of:

- I. Serious disturbance of order or threat of the outbreak of such disturbance;
- II. War.

Paragraph 1. The decree of a state of siege shall specify the regions it is to cover, shall indicate the standards that are to be observed, and shall name the persons responsible for its execution.

Paragraph 2. A state of siege authorizes the following coercive measures:

- a. Obligation to reside in a certain place;
- b. Detention in buildings not intended for persons convicted of common crimes;
- c. Search of and arrest in the home;
- d. Suspension of freedom of assembly and of association;
- e. Censorship of correspondence, the press, telecommunications, and public amusements; and
- f. Use or temporary occupation of property of an autonomous entity, public enterprise, mixed-capital company, or holder of a concession for public services, as well as suspension of the exercise of a post, function, or employment in such an entity.

Paragraph 3. In order to preserve the integrity and the independence of the country, the free functioning of the powers, and the operation of the institutions, when these are seriously threatened by elements of subversion or corruption, the president of the republic, having heard the National Security Council, may take other measures provided for by law.

Article 156. Except in the event of war, the duration of a state of siege shall not exceed 180 days, but it may be extended if the reasons that occasioned it persist.

Paragraph 1. The president of the republic shall submit the decree of a state of siege or of its extension to the national Congress, accompanied by a justification, within five days.

Paragraph 2. If the national Congress is not in session, it shall be convoked immediately by its president.

Article 157. During the time the state of siege is in force, and without prejudice to the measures provided for in Article 154, the national Congress may also, by law, establish the suspension of constitutional guarantees.

Sole paragraph. The immunities of a federal deputy or senator may be suspended during a state of siege by decision of the members of the house to which he belongs.

Article 158. At the end of a state of siege its effects shall cease, and the president of the republic shall, within thirty days, send a message to the national Congress giving the justification of the measures adopted.

Article 159. Failure to observe any of the precepts relative to the state of siege shall make compulsion illegal and shall enable the one who is the object of compulsion to have recourse to the judicial branch.

Title III

The Economic and Social Order

Article 160. It is the purpose of the economic and social order to achieve national development and social justice, on the basis of the following principles:

- I. Freedom of initiative;
- II. Appreciation of labor as a condition of human dignity;
- III. The social function of property;
- IV. Harmony and solidarity among the factors of production;
- V. Repression of abuse of economic power, characterized by domination of markets, elimination of competition, and arbitrary increase in profits; and
- VI. Increase of opportunities for productive employment.

Article 161. The Union may expropriate rural land, through payment of fair compensation, determined according to such criteria as the law may establish, in special public bonds, with a clause providing for exact monetary adjustment, redeemable within a term of twenty years, in successive annual installments, with

assurance of their acceptance at any time, in payment of up to fifty percent of the rural land tax and in payment of the price of public lands.

Paragraph 1. The law shall make provision as to the annual or periodic volume of the issues, the characteristics of the bonds, the interest rate, the term, and the conditions of redemption.

Paragraph 2. The expropriation dealt with in this article lies within the exclusive competence of the Union and shall be limited to the areas included in the priority zones established in a decree of the executive branch, and shall only affect rural properties whose manner of exploitation is contrary to the foregoing provisions, as the law may determine.

Paragraph 3. Compensation shall be given in bonds only in the case of latifundia, as defined in law, and exception shall be made with regard to necessary and useful improvements, which shall always be paid for in money.

Paragraph 4. The president of the republic may delegate the powers for expropriation of rural real properties for causes of social interest, but he shall retain exclusive competence to designate priority zones.

Paragraph 5. The owners shall be exempt from the federal, state, and municipal taxes on the transfer of property subject to expropriation under the terms of this article.

Article 162. Strikes shall not be permitted in public services or essential activities, as defined by law.

Article 163. Intervention in the economic domain and monopoly of a given industry or activity, through federal law, are permitted when essential for reasons of national security, or to organize a sector that cannot be developed efficiently under the system of competition and free enterprise, individual rights and guarantees being assured.

Sole paragraph. To attend to the intervention dealt with in this article, the Union may levy taxes to pay the costs of the corresponding services and assignments, in such manner as the law establishes.

Article 164. The Union, through a supplementary law, may, with a view to the provision of services of common interest, establish metropolitan regions, made up of municipalities that, independently of their administrative connection, make up a common socioeconomic community.

Article 165. The Constitution assures the workers of the following rights, in addition to others that, in accordance with the law, are intended to improve their social condition:

- I. A minimum wage that, in accordance with the conditions of each region, is sufficient to meet the normal needs of a worker and his family;
- II. A family allowance for a worker's dependents;
- III. Prohibition of differences in wages and in criteria for employment because of sex, color, or marital status;

- IV. Higher wages for night work than for day work;
- V. Integration of the worker into the life and the development of the enterprise, with participation in the profits and, in exceptional cases, in management, as may be established by law;
- VI. Daily work not exceeding eight hours, with an interval for rest, except in cases especially provided for;
- VII. Weekly rest with pay and rest on civil and religious holidays in accordance with local tradition;
- VIII. Annual paid vacations;
- IX. Hygiene and safety in work;
- X. Prohibition of work in unhealthful industries by women and by persons under eighteen years of age, of night work by persons under eighteen years of age, and of any work by persons under twelve years of age;
- XI. Maternity leave before and after childbirth, without prejudice to employment or wages;
- XII. Fixation of the percentages of Brazilian employees in public service concessions and in establishments of specified branches of commerce and industry;
- XIII. Security of employment, with compensation for discharged workers, or an equivalent guarantee fund;
- XIV. Recognition of collective labor contracts;
- XV. Health care, including hospitalization and preventive medicine;
- XVI. Social security in cases of illness, old age, disability, and death; unemployment insurance; work accident insurance; and maternity protection, through contributions by the Union, by employers, and by employees;
- XVII. Prohibition of distinction between manual, technical, and intellectual work, and between the respective persons performing them;
- XVIII. Vacation resorts and clinics for rest, recuperation, and convalescence, maintained by the Union, as the law may provide;
- XIX. Retirement for women after thirty years of work, at full salary;
- XX. Strikes, except as provided in Article 162.

Sole paragraph. No provision of welfare services or benefits included in social security shall be created, increased, or extended, without establishment of the corresponding source of funds to pay for them completely.

Article 166. Professional or labor union association is freely permitted; the establishment of such an association, legal representation in collective labor contracts, and the exercise of functions delegated by the public power shall be regulated by law.

Paragraph 1. Among the delegated functions referred to in this article is that of collecting, in the manner prescribed by law, contributions for paying for the activities of labor union and professional organs and for the carrying out of programs of interest to the categories represented by them.

Paragraph 2. Voting in labor union elections shall be obligatory.

Article 167. The law shall make provision with regard to the system of enterprises holding concessions for federal, state, and municipal public services, establishing:

- I. The obligation to maintain adequate service;
- II. Rates that will permit fair remuneration of capital and improvement and expansion of services and assure the economic and financial balance of the contract; and
- III. Constant control and periodic revision of rates, even if stipulated in the previous contract.

Article 168. Ore deposits, mines, and other mineral resources and potential sources of hydraulic power constitute property distinct from that of the soil for the purposes of industrial exploitation or utilization.

Paragraph 1. The exploitation and utilization of ore deposits, mines, and other mineral resources and of the potential sources of hydraulic power shall depend upon federal authorization or concession, in the manner prescribed by law, given exclusively to Brazilians or to corporations organized in the country.

Paragraph 2. The owner of the soil shall be assured a share in the results of the working; with regard to the mineral deposits and mines whose exploitation constitutes a monopoly of the Union, the law shall regulate the manner of giving compensation.

Paragraph 3. The share referred to in the preceding paragraph shall be equal to one tenth of the tax on minerals.

Paragraph 4. Utilization of hydraulic energy of small power shall not depend upon authorization or concession.

Article 169. Exploration for and extraction of petroleum in the national territory shall constitute a monopoly of the Union, as prescribed by law.

Article 170. Private enterprises shall have preferential competence, with the encouragement and aid of the state, to organize and exploit economic activities.

Paragraph 1. The state shall directly organize and exploit economic activity only to supplement private initiative.

Paragraph 2. In exploitation by the state of economic activity, the public enterprises and the mixed-capital companies shall be governed by the standards applicable to private enterprises, including those with regard to labor laws and laws on obligations.

Paragraph 3. A public enterprise that exploits a nonmonopolized activity shall be subject to the same tax system applicable to private enterprises.

Article 171. Federal law shall make provision regarding the conditions for legalization of possession and for preference in the acquisition of up to one hundred hectares of public lands by those who make them productive through their own labor and that of their families.

Sole paragraph. Except for the execution of agrarian-reform plans, no sale or concession of public lands with an area of over three thousand hectares may be made without prior approval by the federal Senate.

Article 172. The law shall regulate, by providing for prior ecological survey, the agricultural utilization of lands subject to climatic hazards or calamities. Misuse of land shall bar the owner from receiving incentives and assistance from the government.

Article 173. Cabotage for transportation of goods shall be the exclusive prerogative of national ships, except in case of public necessity.

Paragraph 1. The owners, operators, and masters of national ships, as well as at least two thirds of the members of their crews, must be natural-born Brazilians.

Paragraph 2. The provision in the preceding paragraph shall not apply to national fishing vessels, which are subject to regulation by federal law.

Article 174. Ownership and administration of journalistic concerns of any kind, including those of television and radio broadcasting, are prohibited to:

- I. Foreigners;
- II. Corporations having bearer shares; and
- III. Companies in which foreigners or juridical persons other than political parties are shareholders or partners.

Paragraph 1. The responsibility for and the intellectual and administrative orientation of the concerns referred to in this article shall be the exclusive prerogative of natural-born Brazilians.

Paragraph 2. Without prejudice to the freedom of thought and of information, the law may establish other conditions for the organization and operation of journalistic or television and radio broadcasting concerns, in the interest of the democratic system and of combating subversion and corruption.

Title IV

The Family, Education, and Culture

Article 175. The family is constituted by marriage and shall have the right to protection by the public powers.

Paragraph 1. Marriage is indissoluble.

Paragraph 2. Marriage shall be civil and its celebration free of charge. Religious marriage shall be equivalent to civil marriage, if performed with observance of the impediments established by law and according to its provisions, provided that the act is recorded in the public registry, at the request of the celebrant or any interested party.

Paragraph 3. A religious marriage celebrated without the formalities indicated in this article shall have civil effects if, at the request of the married couple, it is recorded in the public registry after ratification before competent authority.

Paragraph 4. The law shall establish assistance for mothers, infants, and adolescents, and for special education.

Article 176. Education inspired in the principle of national unity and in the ideals of freedom and human solidarity, is the right of everyone and the duty of the state, and shall be given in the home or at school.

Paragraph 1. Education at the various levels shall be administered by the public powers.

Paragraph 2. Provided the pertinent legal provisions are respected, education shall be open to private initiative, which shall be entitled to technical and financial support from the public powers, including scholarships.

Paragraph 3. Legislation on education shall adopt the following principles and standards:

- I. Elementary education shall be given only in the national language;
- II. Elementary education is compulsory for all children from seven to fourteen years of age, and free in the official institutions;
- III. Education at the secondary and higher levels shall likewise be free to all those who, while showing effective achievement, can show a lack or insufficiency of means.
- IV. The public power shall gradually replace the system of free secondary and higher education by that of granting scholarships, requiring later reimbursement, as regulated by law.
- V. Religious instruction, enrollment for which shall be optional, shall be part of the normal schedules of the official elementary and secondary schools;

- VI. Initial and final positions in teaching careers at the secondary and higher levels shall always be filled on the basis of a qualification test, consisting of a public competitive examination and presentation of diplomas, in the case of official education;
- VII. Freedom of transmission of knowledge in the exercise of teaching, except as provided in Article 154.

Article 177. The states and the Federal District shall organize their own educational systems, and the Union shall organize those of the territories, as well as the federal system, which shall be supplementary in character and shall extend throughout the country, within the strict limits of local deficiencies.

Paragraph 1. The Union shall provide technical and financial assistance for the development of the educational systems of the states and of the Federal District.

Paragraph 2. Each system of education shall obligatorily include services of educational assistance to ensure conditions of scholastic efficiency to needy students.

Article 178. Commercial, industrial, and agricultural enterprises are obligated to maintain, in such form as the law shall establish, free elementary education for their employees and their employees' children between seven and fourteen years of age or to contribute an education wage for this purpose.

Sole paragraph. Commercial and industrial enterprises are also obligated to provide, in cooperation, apprenticeships for minors in their employ, and to encourage the training of their skilled personnel.

Article 179. The sciences, letters, and arts shall be free, except as provided in Article 153, paragraph 8.

Sole paragraph. The public power shall encourage scientific and technological research and education.

Article 180. Support of culture is a duty of the state.

Sole paragraph. Documents, works, and places of historical or artistic value, monuments, and notable natural landscapes, as well as archeological sites, shall be under the special protection of the public power.

Title V

General and Transitory Provisions

Article 181. The acts performed by the Supreme Command of the Revolution of March 31, 1964, are approved and excluded from judicial review, as are the following:

- I. The acts performed by the Federal Government on the basis of the Institutional Acts and the Supplementary Acts, and their effects, as well as all acts of the military ministers and their effects, when in the temporary exercise of the Presidency of the republic, on the basis of Institutional Act No. 12 of August 31, 1969.

- II. The resolutions of the legislative assemblies and municipal councils, based on Institutional Acts, that have canceled elective mandates or declared impediment of governors, deputies, prefects, and councilmen when in the exercise of those posts; and
- III. The acts of a legislative nature issued on the basis of the Institutional and Supplementary Acts mentioned in item I.

Article 182. Institutional Act No. 5 of December 13, 1968, and the other Acts issued subsequently, continue in force.

Sole paragraph. The president of the republic, after having heard the view of the National Security Council, may decree without effect any of those Acts or their provisions that may be considered unnecessary.

Article 183. The term of the president and the vice president of the republic, elected in the manner prescribed in Institutional Act No. 16 of October 14, 1969, shall end on March 15, 1974.

Article 184. At the end of investiture in the position of president of the republic, the person who exercised that position continuously shall have the right, provided that he has not undergone suspension of political rights, to a monthly life-time representation allowance equal to the salary of the position of justice of the federal Supreme Court.

Sole paragraph. If the president of the republic, by reason of the exercise of the position, should suffer from an ailment that disables him from performing his functions, the medical and hospital treatment shall be paid for by the Union.

Article 185. Citizens who, by a decree of the president of the republic, based upon an Institutional Act, have undergone the suspension of their political rights shall be ineligible for the positions of president and vice president of the republic, governor and vice governor, and prefect and vice prefect.

Article 186. The term of office of the officers of the federal Senate and the Chamber of Deputies, in the period commencing March 31, 1971, shall be one year, and none of them may be reelected as officers thereof for the following term.

Article 187. During the legislature that will end on January 31, 1971, a deputy or senator invested with the function of federal interventor, secretary of state or prefect of a capital shall not lose his legislative office.

Article 188. The reduction of the number of federal and state deputies shall take effect only beginning with the next legislature.

Article 189. The election for governors and vice governors of the states, in 1970, shall be carried out in a public meeting through a roll-call vote, by the voting of an electoral college constituted by the respective legislative assemblies.

Sole paragraph. The electoral college shall meet at the seat of the state legislative assembly on October 3, 1970, and the election procedure shall be in accordance with the provisions of Article 75, paragraphs 1 and 2.

Article 190. For the exercise of office in the present legislature only, the prohibition of political party activity on the part of justices or judges of the Tribunals of Accounts of the Union, the states, and the municipalities shall not apply.

Article 191. Only the Tribunal of Accounts of the municipality of São Paulo shall continue functioning, unless there is a contrary decision by the municipal council of that city, all the other municipal tribunals of accounts being declared abolished.

Article 192. The special tribunals created for the exercise of the corresponding functions prior to March 15, 1967 shall be maintained as organs of second instance of state military justice.

Article 193. The title of minister is the exclusive right of the ministers of state, the justices of the federal Supreme Court, the federal Court of Appeals, the Superior Military Court, the Superior Electoral Court, the Superior Labor Court, and of the Tribunal of Accounts of the Union, and the ministers of the diplomatic service.

Sole paragraph. The members of the Tribunal of Accounts of the Federal District shall have the title of councillor.

Article 194. Life tenure is assured for university professors and titular holders of judicial office appointed up to March 15, 1967, as is the security in employment of government employees protected by legislation prior to that date.

Article 195. Persons serving as substitutes for auditors or prosecutors of military justice of the Union who have acquired security in employment in these duties may be used at the initial position in these careers, with the rights of the candidates approved in competition being respected.

Article 196. Public employees are forbidden to take a share of the product of the collection of taxes and fines, including the active debt.

Article 197. Civilian veterans who were combatants in the Second World War and participated in the military operations of the Brazilian Expeditionary Force, the Navy, the Brazilian Air Force, the Merchant Marine, or the Army are assured the following rights:

- a. Security in employment, if a public employee;
- b. Utilization in the public service without the requirement set forth in Article 97, paragraph 1;
- c. Retirement with full pension after twenty-five years of actual service, if a public employee of the centralized autonomous administration or a contributor to social security; and
- d. Medical and hospital care and educational assistance, if lacking means.

Article 198. Lands inhabited by forest-dwelling aborigines are inalienable under the terms that federal law may establish; they shall have permanent possession of them, and their right to the exclusive usufruct of the natural resources and of all useful things therein existing is recognized.

Paragraph 1. Legal effects of any nature whose purpose is the ownership, possession, or occupation of lands inhabited by forest-dwelling aborigines are declared null and void.

Paragraph 2. The nullity and voidness mentioned in the preceding paragraph shall not give the occupants the right to any action against, or indemnity from, the Union or the National Indian Foundation.

Article 199. If reciprocity in favor of Brazilians is admitted, natural persons of Portuguese nationality shall not undergo any restriction by virtue of the condition of their birth, the provisions in Article 145, sole paragraph, being respected.

Article 200. The provisions contained in this Constitution shall, to the extent appropriate, be incorporated into the state constitutions.

Sole paragraph. State constitutions may adopt the system of delegated laws, but decree-laws shall be prohibited.

Article 2. This Amendment shall enter into force on October 30, 1969.

Brasilia, October 17, 1969; 148th year of Independence and 81st year of the Republic.

AUGUSTO HAMANN RADEMAKER GRUNEWALD

AURELIO DE LYRA TAVARES

MARCIO DE SOUZA E MELLO

MEMBER STATES

Argentina
Barbados
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Trinidad and Tobago
United States
Uruguay
Venezuela

THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the oldest of international regional organizations. The Organization had its origin in the International Union of American Republics, established on April 14, 1890, by the First International Conference of American States, held in Washington, D.C. Consequently, each year April 14 is observed as Pan American Day. The Charter governing the Organization, signed in Bogotá in 1948, was amended by the Protocol of Buenos Aires, which entered into force in February 1970.

The basic objectives of the OAS are: to strengthen the peace and security of the hemisphere; to prevent possible causes of difficulties and to ensure the peaceful settlement of disputes that may arise among the member states; to provide for common action on the part of the member states in the event of aggression; to seek the solution of political, juridical, and economic problems that may arise among them, and to promote, by cooperative action, their economic, social, and cultural development. Another objective of the inter-American system is to speed up the process of integration of the developing nations of the Hemisphere.

The OAS achieves its objectives through the following organs: (a) the General Assembly; (b) the Meeting of Consultation of Ministers of Foreign Affairs; (c) the three Councils (the Permanent Council, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture); (d) the Inter-American Juridical Committee; (e) the Inter-American Commission on Human Rights; (f) the General Secretariat; (g) the Specialized Conferences, and (h) the Specialized Organizations.

The General Assembly meets in regular session once a year. The Meeting of Consultation is convened in order to consider urgent and important problems. The Permanent Council has a subsidiary organ, the Inter-American Committee on Peaceful Settlement, and in the circumstances provided for in the Charter and in the Inter-American Treaty of Reciprocal Assistance, serves provisionally as the Organ of Consultation. Each of the other two Councils holds one regular meeting annually, and each has a Permanent Executive Committee. The General Secretariat maintains offices in the member states, an office in the Latin American Free Trade Association (LAFTA) in Montevideo, and an office in Europe. The Permanent Council and the General Secretariat have their headquarters in Washington, D.C., as do the Permanent Executive Committees of the other two Councils.

