

FEDERALISM IN BRAZILIAN CONGRESS: DECISION-MAKING PROCESSES OF THE 55TH LEGISLATURE (2015-2019) IN THE AREAS OF ENVIRONMENT, HEALTH, AND EDUCATION

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Abstract: The article aims to map the legislative production of the 55th Legislature from a perspective of intergovernmental relations. Considering the propositions presented by deputies and senators in the areas of environment, health, and education, how many of them involve a federalist perspective? Process tracing were performed to identify the characteristics of these propositions. A first step was the classification of proposals into normative, fiscal, or programmatic. Subsequently, we focus on the legislative process, identifying who was the author of the proposal, his state of origin, position held in Congress and affiliated party. Such comparisons allowed us to analyze the differences and similarities between the federalist law's in the areas of environment, health, and education, relating them to the division of competences between the sublevels established in the Federal Constitution of Brazil.

Keywords: Federalism; Legislative Branch; Parliamentary Behavior;

1 Introduction

The Brazilian Constitution of 1988 (CF/88) provides for exclusive powers, to be carried out by each federated entity, independently, but also delimited powers to be carried out jointly, under the partnership regime, which were called common powers of the Union, the States, the Federal District, and the Municipalities. Article 23 defined those that require the participation of all spheres of the federation and the three branches, depending on the existing public interest in the preservation of certain assets and the fulfillment of certain goals of social reach. Among them are those related to health (II-addressing health and public assistance, the protection and guarantee of people with disabilities), education (V - providing the means of access to culture, education, and science), and the environment (VI - protecting the environment and combating pollution in any of its forms and VII-preserving forests, fauna, and flora).

Such an arrangement impacts the entire cycle of public policies, especially in the stage where it involves the participation of the National Congress. In the Brazilian case the "districts" from which the Representation of the Chamber of Deputies originates are the states of the

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federation. Notwithstanding that the size of the population is the determinant of the number of seats per state, there are a minimum of eight and a maximum of 70 deputies, which imposes a federative logic in a majority population representation. As one might expect, federative logic is predominant in the Federal Senate. Each state of the federation has the same amount of representatives, three senators per state (CINTRA; LACOMBE, 2007; NICOLAU, 2015).

This article seeks to analyze jointly the literature on legislative and federalism since Parliament has played an increasingly prominent role in the formulation of public policies. We part from the following questioning: is it possible to identify patterns of parliamentary behavior in legislative proposals of a clearly federative nature, involving areas of common competence (health, education, and environment)?

First, we sought to establish the general overview of the main federative legislative processes involving the areas of health, education, and environment in the recent scenario. Therefore, the research question tries to unravel what are the characteristics of the legislative proposals on health, education, and the environment in the 55th legislature. To this end, we selected Ordinary Law Bills (PL), Complementary Law Bills (PLP), and proposed amendments to the Constitution (PEC) that were submitted between 2015-2018.

Traditional literature on coalition presidentialism usually explains the legislative process from a "macro" point of view and argues that the Union and party leaders would be much more efficient and powerful in coordinating their preferences than governors and other subnational authors (FIGUEIREDO; LIMONGI, 2001; SANTOS, 2003; PEREIRA; POWER; RENNÓ, 2007; CHEIBUB; FIGUEIREDO; LIMONGI, 2009). Even more recent studies on governability, such as those conducted by Dantas and collaborators (2019), highlight the dominance of the federal government and political parties in the legislative arena.

In this sense, Abranches (2018) indicates the existence of a "hyper concentration" of powers and resources in the hands of the Presidency of Brazil, which would eventually transform the other actors of the system (governors, mayors, congressmen) into "contumacious and unstable beggars and political negotiators" (p. 43, our translation).

However, it is important to understand that it is not always possible to keep the coalition under control. Silva (2014) points to a series of gaps on the role of parliamentarians and other actors in the legislative process, which are often undervalued by the excessive emphasis on the power of the Executive and party leaders.

There are also specific themes in which they are relevant to the interests of subnational entities, whose negotiation often involves the mobilization of state and nonpartisan caucus (SILVA, 2014). Despite being an exception, mobilizations of this nature can modify the arrangement of forces between coalition government and opposition.

In this vein, Abranches (2018) describes the political tension arising from the vote on the redistribution of oil royalties at the end of 2012. The government and the producing states –

Espírito Santo and Rio de Janeiro – were defeated in the plenary of the Chamber by the other state es, which was followed by an extensive presidential veto on the matter. The president of the Congress then convened a meeting to deliberate the presidential veto as a matter of urgency. The controversy was finally brought to justice by the producing states.

From the federative perspective, even if there are efforts for coordination, many areas still suffer from the problem of overlapping or indeterminacy of competences. These disputes may reflect the political-partisan and the state dimension in the National Congress. We believe that the relevant role of subnational levels in the legislative dynamics is present in a relevant part of the decision-making processes in the Legislative.

It is worth noting that 13% of the Union's discretionary budget is allocated to subnational spheres. Considering the period between 2015-2018, this loss was compensated by the improvement of the capacity for commitment although the budget authorized by the Union decreased. The largest increase in the period was concerning transfers to national multigovernment institutions (consortia). According to SIOP, the total committed value between 2015-2018 for the states was R\$ 17.36 billion while for the municipalities it was R\$ 26.29 billion.

The resources allocated to the municipal spheres were greater than those transferred to the states. This is due to the direct relationship between the Union and municipalities that began to mark several public policies from the 2000s (MONTEIRO NETO, 2013, p.7-8).

This work was conducted to provide support to the gaps in the literature in the field of legislative studies. National political science still lacks more systematic analyses on conflict relations and cooperation in Parliament involving the federative issue, as well as on bargaining networks and political support of regional groups that are part of the national parties of the coalition or that form the state governments that are aligned with the president.

The paper is divided as follows: in the next section, the main theories that guide the study of legislative and federalism is presented regarding public policy. The third section addresses the methodology that has been used in an attempt join these two fields of knowledge. The fourth section presents the results. Finally, the ideas and notes for future research are presented.

2 Legislative, Federalism, and Public Policies

Most authors in the field of legislative studies emphasize the position of the Executive, party leaders, and House Presidents as a "dominant" orientation (FIGUEIREDO; LIMONGI, 2001; SANTOS, 2003; PEREIRA; POWER; RENNÓ, 2007; CHEIBUB; FIGUEIREDO; LIMONGI, 2009). There are critical approaches to the costs arising from negotiations in this sense and concerning the stability capacity of this system (RENNÓ, 2006; ABRANCHES, 2015; 2018). However, even critical authors do not refute the political strength of the Executive in the legislative sphere, especially by the orchestration of a coalition that forms a post-electoral majority. This coalition involves programmatic aspects and the division of power in the composition of the cabinet, with recurrent use of collateral compensations in the form of allocation of resources from parliamentary amendments and the appointment of nominees to commissioned positions (ABRANCHES, 2018; BERTHOLINI; PEREIRA, 2017).

Even when addressing with clearly federative issues, the Federal Executive would be successful in passing an agenda that interferes with the game of forces within the federation, restricting the discretionary spending, financial autonomy, and standardizing rules of government and social policies regarding states and municipalities. The works counter the strengthening of the center, under the leadership of the Executive, to pass a legislative agenda that, in many cases, contradicts the interests of subnational federative entities, which, as a rule, would not present themselves as *veto players* (ARRETCHE, 2009; 2013).

However, the deep economic recession accompanied by the impeachment process in the Dilma Rousseff government weakened the theory that the formation of coalitions by the Executive is sufficient to ensure the support of the federal government (BEDRITICHUK, 2016; ABRANCHES, 2018). More recently, the dissemination of the Coronavirus in the world has called into question the ability of countries to manage the problem quickly. The speed of the governors in the fight against Covid - 19 is noticeable compared to the responses given by the federal government (BARBERIA *et al.*, 2020). The federative issue has never been more in evidence in the national political scene of the last two decades.

The formation of state coalitions, parliamentary fronts, and informal thematic caucus demonstrate that parliamentarians also organize their actions through alternative routes. There are relevant decision-making processes in which the ability of leaders to control their caucus is put to the test, not always successfully. These are issues in which the thematic or federative interest is placed above the partisan, which should not go unnoticed (SILVA, 2014).

The Constitution of 1988 adopts the federative form of State, which presupposes the autonomy of each entity (Union, States, Federal District, and Municipalities), but balancing the interests of the members. The literature points out that a federal state requires the constitutional recognition of the federal structure, the distribution of powers, the establishment of representative and independent institutions, the collection of its own finances, and the provision of a Constitutional Court (ANDERSON, 2009).

For Durand (1965), federalism is characterized by the occurrence of various types of stable legal relations between public collectivities. The essential rules of the legal regime of a federation are those that govern the distribution of competences between the common bodies and those of each collectivity, the mutual relations between these bodies, their composition, and their form of recruitment. However, the rules governing such relationships are imperfect. Schneider (1979) states that the essence of a federal state consists of distributed sovereignty,

each member state being sovereign and autonomous, within the limits established by the Constitution.

Autonomy and, consequently, diversity is an assumption of federalism. However, at the same time, the exercise of authority is a requirement for the implementation of universal and uniform policies. Wright (1988) pointed out that the balance between federated entities consists of a dynamic and, at the same time, a contingent relationship.

Considering the issues of health, education, and environment, a brief description of the institutional arrangement pattern in force in the three public policies is pertinent, with emphasis on actors involved, structuring of systems, and role of federated entities.

Health is one of the arms of social security, together with pension, and social assistance. As Cardoso Jr. and Jaccoud (2005) argue, one of the milestones of redemocratization in the field of social policies was the organization of the Unified Health System (SUS), ensuring universal, free, and public access to health services at all levels of complexity. The right to health is, therefore, provided for in article 6 and the guidelines for the SUS are in article 198, both of the Federal Constitution of 1988.

Within the framework of the SUS, Laws nº 8,080/1990 and nº 8,142/1990 normalized the organization of the system, operationalizing the constitutional guidelines, which recommended that health actions and services must integrate a regionalized and hierarchized network, guided by decentralization, comprehensive care, and community participation.

Constitutional Amendment no 29 of 2000, regulated by Complementary Law 141/2012, provided for the application of minimum health resources by subnational entities. States were required to apply annually 12% and municipalities 15% of tax collection. In 2015, Constitutional Amendment n° 86 made the forecast that the Union would spend at least 15% of net current revenue.

From the perspective of legislative competence, the Union has the function of establishing general rules, which can be supplemented concurrently by states and municipalities. The implementation of Health Services is common to the three federated entities.

One of the innovations in the functioning of the SUS was the obligation to institutionalize participatory spaces, the health councils, which bring together managers, health professionals, and users, at the three levels of government.

In addition to organizing social participation in its operation, since the 1990s intergovernmental coordination bodies have been in operation bringing together representatives of the three levels of government, the Tripartite Inter-managers Commission (CIT), at the federal level, and of municipal states, the Bipartisan Inter-managers Commission (CIB), at the state level, as well as the Regional Inter-managers Commissions (CIR), within the health regions. These are spaces for the intermediation of interests and negotiation between the federated entities, which allows the elaboration of infralegal regulations and alignment between the different government entities. In 2011, Law n° 12,466 institutionalized these governmental coordination bodies within the framework of the SUS.

Regarding education, it is worth noting that the education policy is a constitutional guarantee, anchored in a social right (article 205 of CF/88) and has as guidelines universalization, equal access, enhancement of the teaching profession, gratuitousness in public establishments, democratic management, and collaboration between entities.

Regarding the decision-making arrangement, the Constitution proposed a federative dynamic guided by the decentralization of service provision with a municipal tendency, centralization in the Union in the production of norms and guidelines, and the institution of a collaboration regime between entities.

Concerning legislative competence, the Union is responsible for legislating on general rules; the states on a supplementary manner; and municipalities supplement federal and state legislation as appropriate.

As for financing, the Constitution established minimum values to be applied by the federative entities. According to article 212, the "Union shall apply, annually, no less than eighteen, and the states, the Federal District, and the municipalities twenty-five percent, at least, of the revenue resulting from taxes, including that from transfers, in the maintenance and development of education". These resources make up a powerful financial coordination mechanism which is the Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação, Fundeb. Additionally, the Union complements Fundeb, transferring federal resources, whenever, within the framework of each state, a minimum value per student is not reached.

Regarding the coordination structures, there are the National Education Council, the Intergovernmental Commission of Fundeb, and the School Feeding Council. The tools that are mobilized for coordination are the Legal Norms (Law of Guidelines and Bases, National Common Curriculum Base, etc.), Conditional Transfers (mandatory and voluntary), Sectoral Plans (National Education Plan, Articulated Actions Plan, National Human Rights Education Plan, etc.).

Finally, environmental policy is included. Based on a thesis defended by one of the authors in 2013, in legislative debates concerning the environment, regardless of who is in the Presidency of Brazil, the government tends to lean towards the business side in matters that involve more controversy.

Because environmental policy has a strong regulatory character, not working with distribution of resources in significant volume, discussions in the Legislature are a strong element in the set of governmental decision-making processes and are often conflicting. On the side of the environmentalists, the civil society organizations that follow the work of the Congress come as an important force of support.

decision-making processes of the 55th Legislature (2015-2019) in the areas of environment, health, and education

This field of public policy is included in the competing legislative competence. According to articles 24 and 30 of CF/88, it is the responsibility of federal, state, federal district, and municipal legislation. Federal laws should be observed as a minimum parameter in state and municipal legislation, and state laws as the basis for municipal legislation.

One of the main bodies is the Ibama, an autarchy created by Law no 7,735/1989, with many tasks in the control of environmental quality and supervision of illicit actions. It also acts complementing the inaction of state bodies.

From the federative perspective, in addition to defining the guidelines of Union actions, the most important innovation of the National Environment Policy was the creation of the National Environment System (Sisnama). There is an instance of federative agreement formalized in the National Tripartite Commission (see article 4 of Complementary Law no 140/2011), but without activities consolidated in the Executive by the records available on the Ministry of Environment's website.

The federative debate at the Congress usually occurs due to the political influence of the Brazilian Association of State Environmental Entities (Abema) and the National Association of Municipal Environmental Bodies (Anamma). There are processes in which the federative debate takes prominence, such as those that process in the House and Senate aimed at establishing national law governing environmental licensing⁵.

The three policies mentioned can be classified according to Lowi (1964). The author established that, since resources are limited, actors act according to their expectations of gains and losses, which varies depending on the theme. The potential losers act in the direction of preventing and the beneficiaries in the direction of approving. In 1984, Wilson created typology with four dimensions in which costs and benefits vary between concentrated and diffuse. Based on Wilson (1984), Table 1 summarizes the areas of health, education, and the environment.

Table 1 – Institutional arrangement: health, education, and environment

	Health	Education	Environment
System	SUS	SNE/PNE	Sisnama
Federative Actors	CIT, CIB, and CIR	CNE, Fundeb, and CAE	Abema and Anamma
Financing	Bound	Bound	Low resource
Classification	Redistributive Policy	Redistributive Policy	Regulatory Policy

Source: Adapted from Wilson (1984).

⁵ See Bill (PL) no 3,729/2004 and appendices, in the Chamber of Deputies, still in progress.

3 Methodology

From a methodological point of view, it is believed that the best form to study the impact of federalism in the context of public policies of common competence (article 23 of the Constitution) is through integrative and medium-range analytical perspectives. Thus, the research question tries to unravel "What are the characteristics of the legislative proposals on the environment, health, and education in the last legislature?".

We believe that the role of subnational levels in legislative dynamics is relevant in decision-making processes, and is undervalued in Political Science analyses. The increasing prominence of the Legislature in the political scenario of recent years (ALMEIDA, 2015) has strengthened the area of legislative studies.

A documentary survey accompanied by process tracing was conducted. From the presentation to the approval or not of the proposal, there is usually a long process involving improvements and political agreements. In this context, process tracing is characterized as "pieces" or "traces" of diagnostic evidence of legislative processing (COLLIER, 2011). It is no coincidence that this technique is quite common in research with reduced n.

The sources of collection were the websites of the Chamber of Deputies (www.camara.leg.br) and the Federal Senate (www.senado.leg.br). The cutout of the observations was guided by the choice of legislative proposals in which there was the interaction of at least two federated entities, considering the activities qualified as common competence according to article 23 of the Constitution of 1988. Thus, the bills that regulate aspects of the private or criminal sphere were removed. Bills filed, damaged, or withdrawn by the author were also disregarded. These bills were disregarded from the analysis since the progress of the processing was practically zero in the analyzed period, which restricted the number of samples.

The Ordinary Law Bills (PL), the Complementary Law Bills (PLP), and the proposed amendments to the Constitution (PEC) presented between 2015 and 2018 were selected considering the 55th Legislature. Search filters and keywords were used to define the sample. The most recurring keywords were "Politics, National, System, Management, Fund, Taxation, Federalism, Federated Entity, Subnational", among others. In environmental searches, we filter specific words such as "Forest(s), Conservation Units, Licensing, and 'Sistema Nacional do Meio Ambiente' (Sisnama)". In education, words such as "Comitê de Articulação Federativa (CAF), Fundeb, and Education Development Arrangements (ADE) were used". Finally, in health, the main filter was the "Sistema Único de Saúde (SUS)".

Focusing on the impacts of these proposals on the federative structure, the bills were classified by themes, identifying who was the author of the proposal, his/her state of origin, position held in Congress in the year of the presentation of the bills, and affiliated party at the time. Is it possible to identify patterns of parliamentary behavior in legislative proposals of a

clearly federative nature, involving areas of common competence (health, education and environment)?

From the chosen processes, it was possible to make descriptive analyses of the distribution and understand the characteristics of the sample, as explained below.

4 Results and Discussion

Of the 6,519 bills presented in the 55th Legislature, 3,057 were on health, 2,114 on education, and 1,348 on the environment. It is possible to note that half of the proposals (47%) were related to the theme of health. From this total universe, when we look at the federative content of these proposals, and excluding the broad cases involving several (two or more) public policies and the very specific cases (involving only one state or a set of small municipalities), we arrive at the sample of 160 proposals. With the consolidations, 142 cases. This restriction with these two parameter filters was pertinent to make it feasible to analyze each of the processes and identify similarities and differences in the selected group. An important aspect of the legislative process is the statute of consolidation, which groups related matters and allows matters to be processed more quickly, considering the slowness of the ordinary legislative process.

This sample of 142 processes contains 55 proposals from the health area, 39 from education, 40 from the environment, and eight bills whose themes involved both health and education. Health and education had an equivalent proportion of bills with a federative content (1.8% of the total submitted) and bills concerning the environmental issue had proportionally a more pronounced federative character (3% of the total submitted).

The proposals selected for this analysis (explicitly characterized as federative content, disregarding cases involving several public policies or with a very specific focus) are few, considering the total universe of proposals presented between 2015-2018. However, a more focused analysis allows us to understand the common characteristics of this group of proposals.

From the perspective of the type of legislative proposal, considering the federative ones, there were six proposals for amendment to the Constitution (PECs), 17 Complementary Law Bills (PLPs), and 119 Ordinary Law Bills (PLs). A sectoral breakdown indicates that 75% of the PECs were from the health area and 25% from education. Even if the environment is a constitutionalized issue, there was no PEC on this issue.

Regarding the PLPs, 76% of the subjects were for health/education and 24% for the environment. Considering that complementary laws regulate constitutional matters, about 60% of the PLPs were presented in the first year of the legislature.

Table 2 shows the breakdown of the federative proposals by type of legislative proposal.

Table 2 – Federative propositions by legislative species

Туре	Number	%
PL - Bill	119	84
Supplementary Bill (PLP)	17	12
Draft Amendment to the Constitution (PEC)	6	4
Total	142	100

Source: Chamber of Deputies and Federal Senate. Author's elaboration.

It is worth noting that both the PEC and PLP have a special rite and must pass through the plenary, according to the Internal Rules of the Legislative Houses. On the other hand, ordinary bills are often processed only by commissions, without going through the plenary. Regimental rules define exceptions to the conclusive (in the Senate called terminative) power of commissions.

The higher number of bills presented were on ordinary laws and were distributed among health (37%), education (29%), environment (30%), and health/education (35%). They were presented mainly in 2015 (26%) and 2018 (33%). In other words, the parliamentarians presented more bills in the first and last year of the legislature, probably as a form to strengthen the vertical accountability, in the sense of accountability to voters (AMORIM, 2003).

This logic is repeated in the general picture. Most of the proposals were submitted in 2015. This is a typical phenomenon that repeats every four years, with parliamentarians seeking to present and/or resubmit their proposals, in addition to novice congressmen who also seek to stand out. The metric "number of bills submitted" is often used as a *proxy* to evaluate the performance of the parliamentarian, which creates a strong incentive for the submission of proposals (AMORIM, 2003). Also on the temporal issue, 2016 stands out as a year in almost 50% of the proposals, identified according to the research criteria, was only about health.

Graph 1 elucidates these results.

34 26 30 2015 2016 2017 2018

Graph 1 – Federative propositions per year

Source: Chamber of Deputies and Federal Senate. Author's elaboration.

With the analysis, we found the phenomenon of appropriation (SILVA, 2014), which is when a type of ride/replica of some proposition already presented occurs. Examples are PL n° 8131/2017 and PL n° 6836/2017, which addresses the National Oral Health Policy within the Unified Health System (SUS). This phenomenon is much debated by political science and its existence in the selected sample only confirms that the characteristics present in the general universe are also found in the federative proposals.

Of the total of 142 proposals with federative content gathered according to the research criteria, 57% are not attached. Since these bills with "so-called new" themes were not correlated with other bills, it is interesting to see that there is a very specific profile compared to the general picture: more than half come from the Federal Senate, 28.4% are presented by opposition parties, and almost 15% are from parliamentarians from Rio de Janeiro.

Regarding authorship, the vast majority of the bills were presented by deputies (116), followed by Senators (18), by the House commissions (5), and finally the Federal Executive (3). Table 3 shows this configuration.

Table 3 – Federative propositions by authorship

Author	Percentage
Deputy	82%
Senator	13%
CD commissions	3%
Executive Branch	2%

Source: Chamber of Deputies and Federal Senate. Author's elaboration.

It is noteworthy that no commission of the Federal Senate has presented a proposal of the authorship of the collegiate, mainly because it is in this house that the Representation of the States and the Federal District is located.

It is important to note that, unlike the general standard, 47% of the bills gathered according to the research criteria that were presented by senators were about the environment. In traditional reading, the Senate has a more conservative and time-consuming profile, and most of the bills are processed in commissions and are not attached to others. On the other hand, more than 40% of matters in the house fall under a program or policy. Furthermore, there is a repetition of variable patterns in the bills that are processed in this house, which indicates that this network is more predictable and consolidated (RICCI, 2008).

Another point regarding the legislative process is its slowness. Virtually all the proposals identified in the survey were conclusively processed by the commissions, but many were still pending the opinion of the rapporteurs. It was therefore impossible to profile the rapporteur, but only the author.

Most of the authors of these bills held positions of political relevance, 62 parliamentarians, out of a total of 134, were leaders or deputy leaders at the time. Mostly, the authors of the bills were part of the government base (96), with the exception of 2017, when the balance in the presentation of projects by both the opposition (15) and the situation (13) was greater due to the change of the coalition in the Temer government.

The content of the proposals were classified into three categories: normative (creates/modifies law or generates obligation) with 40 processes; fiscal (involves transfers, funds, and tax exemption) with 44; and program/policy (creates/modifies program/policy or statute) with 58 processes. No fiscal proposal was approved, which indicates, as already indicated by the literature (JUNQUEIRA, 2015), the difficulty in approving fiscal matters in Brazil.

It is interesting to note that, of the total number of authors who did not hold a position, the vast majority presented bills only in the fiscal area. Thus, evidence was found that low-ranking parliamentarians prefer to present fiscal bills, probably because they do not have much political space in Congress (PEREIRA; POWER; RENNO, 2007).

In opposition, the picture changes. Almost 70% of parliamentarians held relevant positions. This is explained, in part, due to coalition presidentialism since the chance of some of them being leaders or deputy leaders is higher in small parties, especially opposition ones, by a purely numerical issue (CINTRA; LACOMBE, 2007; NICOLAU, 2015).

An analysis of the authors' state of origin indicates a strong concentration in the southeast region of the country, with Rio de Janeiro (22), Minas Gerais (14), and São Paulo (13) accounting for 35% of the total bills. AC and SP were the states that presented the most proposals on health. Tocantins was the one state that presented the most environmental projects (5), probably due to the intrinsic interest of the region. Only the state of Sergipe did not have a proposal submitted in the period between 2015 and 2018.

Even though RJ and SP are the largest capitals, the issue of overrepresentation in these states in Congress tends to skew the analytical picture. Therefore, Table 4 controls the data from the state caucus.

Table 4 – Federative propositions (controlling by State)

States	Proportionality
TO	1.25
AC	0.75
RN	0.63
MS	0.50
RJ	0.48
CE	0.32
\mathbf{SC}	0.31
ES	0.30
MG	0.26
BA	0.26
DF	0.25
RO	0.25
PR	0.20
RS	0.19
SP	0.19
\mathbf{GO}	0.18
PA	0.18
MA	0.17
\mathbf{AM}	0.13
AP	0.13
MT	0.13
RR	0.13
PE	0.12
\mathbf{AL}	0.11
PI	0.10
PB	0.08
SE	——————————————————————————————————————

Source: Chamber of Deputies. Author's elaboration.

Note: The number of proposals presented was divided by the size of the caucus in the Chamber of Deputies.

It is interesting to note that the data show us that RJ, MG, and SP stand out when controlled by the caucus, even if in absolute numbers. Proportionally, only the RJ really presented many proposals. The states with small caucus (TO, AC, RN, MS, and ES) or medium caucus (CE and SC) presented the most proposals. In other words, in the proposals of federative content studied, the states with less representation seem to have mobilized more.

The parties that presented the most projects were PMDB and PT, 13 cases for each. Eight PT proposals were for education and five PMDB were for the environment, followed by

PP(11), PSDB (11), and PSB (10). These parties are among the largest parties in Congress. The PMDB, PP, and PSB have always been in the government coalition, the PT and PSDB alternate. This is explained because of the transfer from Dilma to Temer.

Individually, the parliamentarians who presented the most proposals were Deputies Carlos Henrique Gaguim (7), Alan Rick (4), and Laura Carneiro (4). None took up relevant positions. From a gender perspective, 19 bills were submitted by women (13%) and 123 by men (87%). This is due to the under-representation of women in Congress.

Considering that the health area has an application as a linked rule (AFONSO, 2016), it is understandable that few projects have been normative (26%) since a portion of resources has already been pre-established. Parliamentarians from parties that were not part of the government coalition (opposition) presented the same amount of programmatic and fiscal bills (40% each) and only 20% on normative issues. This indicates that the main way of acting of the opposition was by the direct clash with the government agenda compared to the presentation of general laws. Table 5 categorizes the propositions by content.

Table 5 – Federative propositions by content

	Health	Education	Health/Education (Both)	Environment	Total
Normative	15	11	1	13	40
Fiscal	16	12	6	10	44
Program/Policy	24	16	1	17	58

Source: Chamber of Deputies and Federal Senate. Author's elaboration.

Finally, regarding the issue of approval, only five of the total of 142 bills were approved, the rest are still in process. All were presented by parliamentarians from the south/southeast region. Of these five, all were from parties that belonged to the governing coalition. This indicates that the federal government can influence the legislative agenda, rewarding coalition partners (PEREIRA; POWER; RENNÓ, 2007; ARRETCHE, 2009).

Regarding the procedure, 120 are being dealt with in commission and 22 in plenary. Most projects ready for the plenary agenda were attached and were members of the government coalition. In other words, it is not so simple to take the issues to the plenary. Only four projects were approved in the plenary, all with symbolic votes. For this reason it was impossible to calculate the indices of party loyalty and support for the government in the votes.

5 Final Considerations

The formulation stage is crucial in the study of the public policy cycle since this is when the relevant actors and the main issues of the agenda are identified. The federative issue, although it permeates a large part of the issues related to public policies of common competence, is approached by the majority literature in a parallel way. Therefore, it is essential to study the distortions of the processes of formulation and implementation of public policies, which often produce distorted results of legislative reality.

The results bring some issues that have already been well punctuated by the literature on parliamentary behavior, such as the greater volume of propositions presented in the first and last year of the legislature, the power of leaders and coalition parties, the slowness of the legislative process, gender underrepresentation, among others.

The descriptive table presented aims to introduce studies focusing on federalism in Congress. This agenda has *blockers* because these are often conflicting or contradictory matters.

The federative question was relevant in the study cut. Even if most authors are from Rio de Janeiro, Minas Gerais, or São Paulo, proportionally, Tocantins, Acre, and Rio Grande do Norte, which are small caucus, presented the most proposals. Thus, the smaller caucus were generally more active in the presentation of proposals.

The small number of the sample (160 propositions) was justified due to the choice of parameters, which excluded bills of very broad content or archived, damaged, or withdrawn by the author. This option made it feasible to further analyze the processes. This observed dynamic demonstrates the small role of Congress in regulating the federation in the three public policies chosen. I would expect more proposals. It is no coincidence that health is so emphatic in using ordinances to regulate services and allocate conditioned resources.

We suggest detailed case studies of these processes, with analysis of shorthand notes and public hearings to capture the pressures exerted on parliamentarians and the prevailing orientations that justified their votes.

It is essential that the work increasingly examines the legislative process in Legislature but recognize that the Legislative Houses have a rather pronounced federative component in view of the institutional limitations of state representation provided for in the Constitution. Brazil remains a heterogeneous country with a multiple and fractional profile of demands, interests, and expectations. Political behavior is a reflection of this mosaic, relying on more structured patterns of representation that coexist with later patronage practices.

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APÊNDICE – Relação dos projetos federativos por assunto

Espécie	n.	Ano	Teor Federativo
PLP	4	2015	(Cide) incidente sobre tabaco desempenhadas em hospitais das redes públicas de saúde nos três níveis
PLP	8	2015	Normas de cooperação dos entes na gestão pública da cultura brasileira
PEC	15	2015	Fundeb como instrumento permanente de financiamento da educação básica pública
PEC	48	2015	União repasse parte do CSLL aos Municípios p/ área da saúde
PLP	57	2015	Exclui limite despesa pessoal na saúde e educação dos Minicípios, dos recursos da União, P/ fins de LRF Substituição dos cargos subnacionais por carreira nacional magistério na educação
PEC	80	2015	básica Política Nacional de
PL	117	2015	Pesquisa e Desenvolvimento Tecnológico do Setor Farmacêutico Criação novos Municípios dependerão da realização de Estudos de Viabilidade
PLP	137	2015	Municipal (EVMs)
PLP	158	2015	Destinação recursos FPE a UFs p/ protação ambiental Não serão passíveis de limitação de empenho a execução de ações de vigilância e
PLP	180	2015	defesa sanitária dos animais e vegetais nos 3 níveis
PLP	204	2015	Montante mínimo de repasse subnacional
PLP	208	2015	Autoriza transferências voluntárias no caso de inadimplência do ente beneficiário
PLP	214	2015	Veda contingenciamento de despesas destinadas à saúde e à educação
PLP	215	2015	Repasse do FPM para municípios que se destacaram nas ações de saneamento
PL	251	2015	Piso salarial magistrados educação básica
PL	312	2015	Política Nacional de Pagamento por Serviços Ambientais Responsabilidade sanitária dos agentes públicos e a aplicação de penalidades
PL	361	2015	administrativas
PLS	672	2015	Política Nacional de Combate ao Desperdício e à Perda de Alimentos
PLS	691	2015	Programa Nacional de Investimento e Fortalecimento da Educação
PLS	717	2015	Planejamento de ações de sustentabilidade e responsabilidade socioambiental
PL	718	2015	Programa de incentivos para o planejamento familiar Fundo de Atendimento a Situações de Emergência e de Calamidade Pública
PLS	791	2015	Decorrentes de Secas
PL	1190	2015	Gestão resíduos da construção civil
PL PL	1270 1344	2015 2015	Programa Nacional de Assistência Estudantil - PNAES Fundo Nacional de Apoio à Região do Cantão (TO) - receita União e Convênios Estaduais
PL	1345	2015	
PL	1439	2015	Fundo Nacional de Apoio à Região do Jalapão - receita União e Convênios Estaduais Critérios de distribuição de recursos do Fundeb entre Estados e Municípios
PL	1546	2015	Dispõe sobre normas gerais para o licenciamento
PL	1670	2015	Sistema Brasileiro de Vigilância Agropecuária Internacional
PL	1688	2015	Fundo Nacional de Recuperação de Nascentes de Rios (FUNAREN)
PL	1733	2015	Altera a Lei nº 9.795/1999 - Educação Ambiental
PL	1907	2015	Sistema Nacional de Gerenciamento de Recursos Hídricos
PL	1921	2015	Altera a Lei nº 12.858/2013 - vincula gastos com MA
PL	2026	2015	Plano Nacional de Redução de Homicídios
PL	2162	2015	Autoriza o transporte escolar intermunicipal e interestadual de estudantes
PL	2438	2015	Plano Nacional de Enfrentamento ao Homicídio de Jovens e Violência
PL	2504	2015	Ressacimento dos entes subnacionais pelos planos privados nos casos de atendimento dos respectivos segurados na saúde pública
PL	2505	2015	Repasse subnacional de novos valores p/ alimentação escolar
PL	2527	2015	Atendimento psicológico nas escolas de educação pública

decision-making processes of the 55th Legislature (2015-2019) in the areas of environment, health, and education

PL	2677	2015	Produção de Cacau de Qualidade
PL	2704	2015	Programa Nacional de Recuperação de Dependentes Químicos Institui Semana Nacional de combate à Cegueira, cuja concretização depedende de
PL	2794	2015	secretarias estaduais e municipais
PL	2965	2015	Plano Nacional de Enfrentamento à Violência e Abuso de Drogas nas Escolas
PL	2971	2015	Distribuição de responsabilidade na gestão educacional
PL	3042	2015	Amplia recursos disponíveis na p/ educação especial nos entes subancionais
PL	3127	2015	Aumento do repasse de receitas das loterias federais e similares para Estados
PL PL	3173 3200	2015 2015	Fundo Nacional de Apoio à Região da Chapada dos Veadeiros (GO) Política Nacional de Defensivos Fitossanitários e Rotulagem. Incentivo à produção de alimentos livres de agrotóxicos
PL	3252	2015	Medidas de precaução contra erosão costeira
PL	3758	2015	Sistema Nacional de Educação a Distância
PL	4137	2015	Política Nacional da Erva-Mate
PL	4211	2015	Torna obrigatória a realização de diagnóstico de fibrose cística em triagem neonatal
PLS	222	2016	
PLP	253	2016	Política de Desenvolvimento Sustentável da Caatinga Parte das dívidas dos subnacionais podem ser revertidos para área de saneamento básico e saúde pública
			Repasse pela União de 70% dos recursos do Fundo Nacional Antidrogas p/
PLS	304	2016	Municípios Celeridade na liberação dos recursos financeiros para execução de transferências
PLP	305	2016	voluntárias da União para entes subnacionais
PLP	332	2016	Altera FPM para preservação ambiental
PL	4317	2016	Obrigatório o exame de retinoblastoma na unidades do SUS
PL	4345	2016	Cria os centros para tratamento de doenças raras nos Estados
PL	4360	2016	Plano nacional de valorização da vida e a campanha "setembro amarelo" Regime Especial de Tributação para Bancos de Desenvolvimento e Agências de
PL	4691	2016	Fomento
PL	4992	2016	Política Nacional de Saúde na Escola (PENSE)
PL	5007	2016	Instalação de coletores de pilhas e baterias pelas UFs
PL	5077	2016	Política Nacional de Conscientização e Orientação sobre a Síndrome de Rett
PL	5078	2016	Política Nacional de Conscientização e Orientação sobre a linfangioleiomiomatose
PL	5263	2016	Cria Código, Agência e Conselho de Mineração Brasileiro
PL	5458	2016	Participação gratuita das escolas públicas na programação de desporto escolar
PL	5641	2016	Veda transferências voluntárias p/ ente que atrasar ou interromper o repasse do SUS
PL	5778	2016	Altera o Programa Mais Médicos
PL	5946	2016	Os gestores do SUS nos 3 níveis promoverão programas de triagem neonatal
PL	6194	2016	Retoma recursos do PDDE para escolas públicas
PL	6268	2016	Política Nacional de Fauna
PL	6391	2016	Fundo Caatinga pelo Banco do Nordeste do Brasil
PL	6411	2016	Dispensa Licenciamento na atividade de silvicultura Autoriza CEF a destinar percentual da
PL	6451	2016	arrecadação das loterias p/ Secretarias Municipais de Esportes
PL	6549	2016	Eleva COFINS p/ combate tabagismo à nível subnacional
PL	6670	2016	Política Nacional de Redução de Agrotóxicos – PNARA
PL	6758	2016	Composição do conselho deliberativo do FNDE
PEC	328	2017	Inclusão do saneamento básico dentre as ações de saúde
PEC	339	2017	Aumenta repasse União ao FPM
PLS	339	2017	Apoio financeiro da União aos Municípios p/ ampliação educação infantil
PLS	353	2017	Institui o Programa Passe Livre Estudantil e cria o Fundo Federal do Passe Livre

Adriana de Oliveira Pinheiro, Julia Alves Marinho Rodrigues, Pedro Lucas de Moura Palotti, Suely Mara Vaz Guimarães de Araújo

Estudantil

PLS	376	2017	Incentivos fiscais para preservação
PLP	396	2017	Abate do cálculo de despesas subnacionais os recursos recebidos pelo Fundeb
PEC	403	2017	Não se aplica suspensão transferências voluntárias p/ saúde e calamidade pública
PL	6836	2017	Política Nacional de Saúde Bucal
PL	6918	2017	Assistência educacional nos estabelecimentos prisionais Obrigatório o exames de acuidade visual e auditiva em crianças matriculadas nos
PL	7211	2017	sistemas públicos de ensinos
PL	7270	2017	Disciplina a regularização fundiária em áreas urbanas
PL	7578	2017	Institui o Patrimônio Verde
PL PL	7605 7620	2017 2017	Estatuto da Prevenção ao Uso e Abuso de Drogas Incentivo "Padrinho das Crianças e Adolescentes" p/ fundo dos Direitos da Criança e do Adolescente nos três níveis
PL	7725	2017	Estatuto e Semana Nacional da Juventude
PL	7752	2017	Política Nacional de Leitura e Escrita
PL	7760	2017	Fundo Nacional de Desenvolvimento Federativo
PL	8035	2017	Recebimento protetor, bloqueador e óculos solar p/ hipopigmentados congênitos pela rede SUS
PL	8138	2017	Plano de Educação Ambiental
PL	8327	2017	Certificação das entidades de saúde
PL	8440	2017	Alteração Lei Orgânica da Saúde p/ melhorar recursos humanos
PL	8570	2017	Criação da Companhia de Desenvolvimento do Vale do São Francisco
PL	8577	2017	Ouve sociedade civil e gestores subnacionais em alterações nos componentes curriculares
PL	8877	2017	Plano de Prevenção de Incêndio e de Graves Acidentes nas instituições de ensino em todo o território nacional
PL	9038	2017	Título de "Cidade Amiga do Idoso"
PL	9165	2017	Política de Inovação Educação Conectada
PL	9217	2017	Programa de Recuperação das Universidades Públicas Estaduais e Municipais
PL	9226	2017	Participação da comunidade na gestão do SUS
PL	9263	2017	Plano Nacional de Juventude e Sucessão Rural
PL	9373	2017	Semana Nacional de Enfrentamento às Doenças Endêmicas
PLS	74	2018	Transferências de recursos p/ para aquisição de material escolar
PLS	168	2018	Lei Geral de Licenciamento Ambiental
PLS	194	2018	Utilização e proteção da Mata Atlântica
PLP	479	2018	Identificação de depósitos nos fundos de saúde e rateio de recursos Priorização das despesas com
PLP	548	2018	saúde e educação nos três níveis
PLP	560	2018	Estabelece impacto ambiental de produtos e serviços Cursos de primeiros socorros ministrados por entidades municipais ou estaduais ao
PL	9468	2018	corpo docente e funcional de estabelecimentos de ensino ou recreação
PL	9474	2018	Política cultura
PL	9484	2018	Sistema Nacional de Bibliotecas Escolares
PL	9595	2018	"Abril Marrom" (conscientização e prevenção à cegueira)
PL	9746	2018	Padronização do processo de licenciamentos potencialmente poluidores
PL	9762	2018	Programa Social de Intervenção Social para Prevenção à Violência
PL	9807	2018	Programa Atividade Física no SUS
PL	9887	2018	Semana Nacional de Prevenção e Enfrentamento às Drogas
PL	9950	2018	Conservação e o uso sustentável do Bioma Pantanal
PL	9997	2018	Política Nacional de Proteção da Pessoa
PL	10104	2018	Incentivos à implantação, pelos entes da Federação, de programas de aquisição de

Federalism in Brazilian Congress:

decision-making processes of the 55th Legislature (2015-2019) in the areas of environment, health, and education

			material escolar pelas famílias do PBF
PL	10162	2018	Ações de concientização do dia Nacional de Combate ao Bullying e à Violência na Escola Desenvolvimento colaborativo de aplicativo e prestação de contas do total dos
PL	10301	2018	recursos à nível subnacional
PL	10420	2018	Incentivar e desenvolver o desporto nos sistemas de ensino
PL	10504	2018	Programa Nacional de Banimento dos Plásticos de Uso Único
PL	10522	2018	Sistema Único de Saúde Animal Classifica as despesas com alimentação escolar como de manutenção e
PL	10548	2018	desenvolvimento do ensino
PL	10880	2018	Destinação de sobras orçamentárias do Fundeb Ajuda de custo ao usuário do SUS que necessita realizar tratamento de saúde fora do
PL	10895	2018	município
PL	10953	2018	Hospital Veterinário Público nos três níveis
PL	10988	2018	Obrigatoriedade de exame p/ retinoblastoma e glaucoma congênito no SUS
PL	11017	2018	Sistema Único de Saúde Animal (SUS ANIMAL)
PL	11049	2018	Pontos com solução antisséptica e placas de prevenção nos hospitais da rede pública
PL	11087	2018	Consórcios intermunicipais de fiscalização de produtos alimentícios
PL	11158	2018	Política Nacional de Saúde Vocal
PL	11222	2018	Selo Patrocínio Saúde
PL	11225	2018	Política nacional de combate à dengue, a chikungunya e a zika
PL	11276	2018	Institui a Política Nacional de Manejo Integrado do Fogo