

## ***“Puerto Rico Federal Affairs Administration”***

Act No. 77 of June 19, 1979 as amended,

(Contains amendments incorporated

Act No. 72 of August 29, 1990

Act No. 102 of December 18, 1991

Act No. 45 of January 13, 1999

Act No. 65 of April 11, 2000)

(Amendments non-incorporated

Act No. 28 of March 7, 2011)

To create the Puerto Rico Federal Affairs Administration, define its duties, powers and responsibilities; establish its functions before the federal and state governments and other public and private entities in the United States; to establish a Revolving Administration Fund, and provide the Funds to carry out the purposes of this Act.

*Be it enacted by the Legislature of Puerto Rico :*

### **Section 1. — Short title.** (3 L.P.R.A. § 1701)

This act shall be known as the "Puerto Rico Federal Affairs Administration".

### **Section 2. — Creation; purposes.** (3 L.P.R.A. § 1702)

The Puerto Rico Federal Affairs Administration is hereby created, for the purpose of representing the Government of Puerto Rico, its instrumentalities and Municipalities before the Federal Government, the local and state governments and public or private entities in the United States.

### **Section 3. — Director and Deputy Director; appointment.** (3 L.P.R.A. § 1703)

The executive functions of the Administration shall be performed by a Director, who shall be appointed by the Governor of Puerto Rico, and shall perform his duties at his will and in accordance with his instructions. The annual salary of the Director shall be determined by the Governor, taking into account the salary schedules in force for offices of equal nature and status in the Executive Branch, to be charged to the funds appropriated in the Budget Act for the operation of said Administration.

The Director may designate a Deputy Director, who shall perform the duties assigned by the Director. In the absence or temporary disability of the Director, the Deputy Director shall

perform all the functions and duties of the Director as Acting Director. In the case of the death, resignation or removal of the Director, the Deputy Director shall perform all his functions and duties as Acting Director, until his successor is designated.

**Section 4. — Director; Assistant.** (3 L.P.R.A. § 1704)

The Administration shall perform the functions that are necessary and convenient to carry out and execute the purposes and provisions of this act, including, but without it being understood as a limitation;

(a) Advise the Governor, the Resident Commissioner of Puerto Rico in Washington, and the various entities of the Government of Puerto Rico and its municipalities, regarding the undertakings, activities and developments in the United States of interest to Puerto Rico.

(b) Provide information, coordination, continuity, evaluation and training with regard to the participation of the Government of Puerto Rico, its instrumentalities and municipalities, in the federal government programs.

(c) Analyze the various topics of federal public policy with special attention, but without being limited, to matters related to a mandate or order issued by any of the branches of the federal government that require the Government of Puerto Rico, its agencies and municipalities to comply with, perform and obey such mandate or order, and which in some way intervene with the internal public policy of the Government of Puerto Rico, and prepare recommendations thereon.

(d) Prepare reports on the status of federal initiatives pending before any of the branches of the government and with special attention, but without being limited, to those matters on which said federal initiatives intervene in any way with the internal public policy of the Government of Puerto Rico.

(e) Represent the Governor of Puerto Rico before local, regional or national, public or private agencies, instrumentalities and entities.

(f) Represent the Government of Puerto Rico, its instrumentalities and municipalities, before local, regional or national, public or private agencies, instrumentalities and entities, after consulting with the Director.

(g) Prepare and give testimony before the branches of the federal government in coordination with the Governor and the Government of Puerto Rico, its instrumentalities and municipalities.

(h) Cooperate with the Resident Commissioner of Puerto Rico in Washington in the performance of his duties.

(i) Advise the branches of the federal government by providing official interpretations on the public policy of the Government of Puerto Rico, as requested.

(j) Help to program and bring up-to-date electronic data systems regarding the participation of the Government of Puerto Rico, its instrumentalities and municipalities, in the various federal government programs.

(k) Develop information and news programs on Puerto Rico to be disseminated in the United States.

(l) Provide cultural, scientific, economic, civic and other activities in the United States to make known and enhance the image of the People of Puerto Rico.

- (m) Establish and maintain channels of communication with local and national groups and hispanic entities in the various communities throughout the United States.
- (n) Render legal services to the Governor, the Resident Commissioner of Puerto Rico in Washington, the Government of Puerto Rico, its instrumentalities and municipalities.
- (o) Select, and supervise the work of the persons or firms:
  - (1) That have their main offices in the United States which render professional legal services in the United States or Puerto Rico in representation of the interests of the Government of Puerto Rico, and
  - (2) with their main offices in Puerto Rico which render professional legal services through their offices in the United States in representation of the interests of the Government of Puerto Rico.
- (p) Execute any other action directed by the Governor of Puerto Rico.
- (q) Evaluate and suggest alternatives to avoid duplication of the resources to be used by the Government of Puerto Rico, its agencies and municipalities, in implementing the federal programs that intervene in any way with the internal public policy of the Commonwealth of Puerto Rico, without altering said federal programs.
- (r) Require any public official of the Government of Puerto Rico, its agencies, and municipalities, to provide any necessary information related to the implementation of any federal mandate or order, and especially on those matters that intervene with the internal public policy of the Commonwealth of Puerto Rico.

**Section 5. — Functions of the Administration.** (3 L.P.R.A. § 1705)

The functions, powers and duties of the Director, in addition to those conferred by this chapter or any other laws, shall be those listed below, without being a limitation:

- (a) Adopt an official seal of the Administration, of which judicial cognizance shall be made.
- (b) Act as the Administration's chief executive officer, establish its internal organization, designate the necessary assistant officers needed, and plan, direct and supervise the operation thereof.
- (c) Appoint all the officers and employees according to the criteria established by the Director of the Administration. These officers and employees shall be excluded from the provisions of Act No. 5 of October 14, 1975, known as the "Public Service Personnel Act of Puerto Rico". They shall be remunerated pursuant to the Classification and Retribution Schedule adopted by the Director, with the advice of the Office of Management and Budget.
- (d) Approve regulations for the operation of the Administration.
- (e) Acquire through purchase or lease, to own and use, any real, personal or mixed property, corporal [corporeal] or not, or any interest thereon, deemed necessary or convenient to perform the Administration's functions, as well as to repair, modify, alter or improve said properties, which shall be charged to the operating budget of the Administration.
- (f) Sell, lease or dispose in any other way any real, personal or mixed property or any interest thereon, not subject to Act. No. 164 of July 23, 1974, as amended, which are not necessary or convenient to perform the Administration's functions; and the product of said sale, lease or other disposition shall be covered [deposited] into the general account of the Administration.

- (g) Obtain and pay for professional, technical, clerical or consultant services of individuals or organizations, by contract, chargeable to the funds appropriated that are deemed necessary to discharge the Administration's duties.
- (h) Maintain offices of the Administration in Washington, D.C., and in any other place deemed necessary.
- (i) Receive, administrate and satisfy the conditions and requirements, regarding any gift, concession or donation of any property or funds.
- (j) Execute contracts as a contracting party with any instrumentality of the federal government of the United States, or of the Government of Puerto Rico, and with any public or private entity, to provide or receive services for pay, and use the funds received from said transactions to cover the expenses of the Administration.
- (k) Contract for banking services with banks approved by the Secretary of the Treasury, and payroll and payroll accounting services with the authorization of the Secretary of the Treasury.
- (l) Accept gifts, donations or contributions in cash or any other kind to cover the expenses of cultural, social or civic activities which will enhance Puerto Rico's image in the United States.
- (m) Enter into agreements with the instrumentalities and municipalities of the Government of Puerto Rico to place employees and contract personnel of said entities in the offices of the Administration.
- (n) Remit an annual report to the Governor, the Resident Commissioner for Puerto Rico in Washington and to the Legislature of Puerto Rico, on the activities of the Administration.
- (o) Exercise the powers that have been conferred upon it and carry out any necessary, convenient or desirable action or activity to execute the Administration's functions.
- (p) Appoint an Advisory Committee, with the advice and consent of the Governor, which shall be composed of a maximum of nine (9) members for a term of twelve (12) months. The members of this Council shall be persons with recognized competence in various fields and professions and shall give their services and human resources without charge, with the exception of per diems and transportation expenses which shall be consigned in the general budget of the Administration. The functions of said entity shall be determined by the Director, according to the needs and demands of the Administration, in coordination with the Governor.

**Section 6. — Compensation, method of payment and fringe benefits of personnel. (3 L.P.R.A. § 1706)**

- (a) Each employee or officer of the Administration, with a permanent or regular appointment, shall have the option of entering the Employees Retirement System of the Government of Puerto Rico and its Instrumentalities, created under the provisions of Act. No. 447 of May 15, 1951, availing themselves of its benefits with the same rights and obligations which apply to the other employees under said System. The option to participate in the Retirement System shall be exercised, in the case of active employees, within the term of sixty (60) days counting from the date of the approval of this act, or from the date of appointment in the case of employees that are appointed at a later date.

(b) Each Administration employee may request the Director, in writing, that after making the deductions required by law, all or part of his salary be deposited by mail or any other means in a bank account designated by said employee in his petition.

**Section 6-A. — Official holidays.** (3 L.P.R.A. § 1706a)

(a) Official holidays celebrated by the Puerto Rico Federal Affairs Administration shall be those provided in Article 6103 of Title 5 of the U.S. Code (5 U.S.C. § 6103). Employees of the Puerto Rico Federal Affairs Administration shall not be obligated to work as an official holiday but shall be paid as if they had worked an ordinary eight (8) hour day.

(b) Furthermore, January 6, Holy Friday, and July 25 shall also be official holidays.

(c) Orders of the President of the United States or any competent authority of the federal government with regard to additional holidays for federal employees who work in the District of Columbia shall also apply to Administration employees if the Director issues an order to that effect.

**Section 7. — Revolving Fund.** (3 L.P.R.A. § 1707)

The Administration shall establish a Revolving Fund which shall be administered by the Director apart from the regular funds of the Administration. This Revolving Fund shall be used for the purposes determined through a written agreement between the Administration and the other instrumentalities of the Government of Puerto Rico and its municipalities. Said purposes shall include, without it being understood as a limitation, the following:

(a) The compensation of the employees and personnel under contract to the instrumentalities of the Government of Puerto Rico and its municipalities, located in the offices of the Administration;

(b) the payment of transportation and expenses to be incurred by invited guests of the Government of Puerto Rico;

(c) remuneration to individuals or entities which render legal or consulting services in the United States to the Government of Puerto Rico, its instrumentalities and municipalities, and

(d) the payment of fees for the participation of the Government of Puerto Rico, its instrumentalities and municipalities, in national or regional entities.

**Section 8. — Budgetary appropriations.** (3 L.P.R.A. § 1708)

(a) The funds needed for the operation of the Administration shall be appropriated in the annual budget as provided in Act No. 213 of May 12, 1942, as amended.

(b) The funds needed in the performance of the functions of the Resident Commissioner of Puerto Rico in Washington, in or outside of Puerto Rico, shall be appropriated in the annual budget under Act No. 213, supra. Said annual sum to be disbursed by the special disbursing officer of the Administration on the petition of the Resident Commissioner may be used for the payment of any official expense under the provisions of Act No. 230 of July 23, 1974 and the regulations in effect in Puerto Rico.

**Section 9. — Repeal and transfer of assets and obligations.** (3 L.P.R.A. § 1701 note)

Acts No. 246 of May 8, 1950, No. 107 of June 30, 1956, and No. 88 of June 23, 1958, as amended. are hereby repealed, with the understanding that the vested rights under said Act No. 88 shall not be impaired.

All property , files, credits, obligations and other assets and personnel thereof, acquired by the Office of the Commonwealth of Puerto Rico in Washington, abolished by this Act, are hereby transferred to the Puerto Rico Federal Affairs Administration.

**Section 10. —** (3 L.P.R.A. § 1701 note)

If any provision of this Act or its application to any person or circumstance is declared void or unconstitutional, said determination shall not affect the remaining provisions of this act.

**Section 11. — Effectiveness.**

This Act shall take effect immediately after its approval.

**Note.** This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.