

THE FALL 2004 TERM OF THE MEXICAN CONGRESS

Author
Jeffrey A. Weldon

MEXICAN CONGRESSIONAL REPORT SERIES



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Center for Strategic and International Studies
1800 K Street, N.W., Washington, D.C. 20006
Tel: (202) 775-3119
Fax: (202) 775-3199
E-mail: books@csis.org
Web: www.csis.org/

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The Fall 2004 Term of the Mexican Congress

Jeffrey A. Weldon

The fall session of the second year of the 59th Legislature was one of the most partisan and conflictive legislative terms in recent history. Yet surprisingly, it continued the recent trend of very high productivity. The Senate had the second most productive fall term in history. The Chamber of Deputies approved a record number of bills, and smashed the previous record for the number of bills introduced during a fall term.

The fall 2004 term of Congress began on September 1 and ended on December 14, one day before reaching the constitutional limit. In recent years Congress has held special sessions in the last two weeks of December to pass the budget package (frequently at the last minute). In 2004, however, a constitutional reform requiring that the budget be approved by November 15 went into effect; thus there was no need for a special session in December.

The statistical analysis that follows is derived from databases, created by the author, of all of the bills introduced in the Senate and the Chamber of Deputies for the 56th through 59th Legislatures (1994–2004).¹ The information that comprises the databases, in turn, was obtained from the *Diario de los Debates* and the *Gaceta Parlamentaria* of each of the two chambers. All of the information is available online in its original format.²

1. The data for the 1995–2000 period for the Chamber of Deputies was collected by María del Carmen Nava Polina and Jorge Yáñez López, under the direction of the author. The data for the 58th and 59th Legislatures for the Chamber of Deputies, as well as all of the data for the Senate, was gathered by the author. He is grateful for the research assistance provided by Gustavo Robles, Maira González, and Claudia Y. Carmona of the Political Science Department at ITAM.

2. The *Diario de los Debates* is the record of the debates. Each chamber publishes its own *Gaceta*, a periodical in which the daily journals, floor agendas, bills, committee reports, and communications are printed. The Internet addresses are <http://gaceta.diputados.gob.mx/> for the Chamber of Deputies, and <http://www.senado.gob/gaceta> for the Senate. The *Gaceta* of the Chamber of Deputies is published every weekday, and the *Gaceta* of the Senate is published on days when the upper chamber is in session.

The Senate in the Fall 2004 Term

Besides its regular legislative activities, the Senate elected a Supreme Court Justice in October to replace Humberto Román Palacios, who had died on June 15. On September 30, President Vicente Fox sent the Senate a list of three candidates, from which to elect one. The Constitution requires that a justice be elected by a vote of at least two-thirds of the senators voting. The president's nominees were Felipe Borrego Estrada, Bernardo Manuel Sepúlveda Amor, and Sergio Armando Valls Hernández. On October 28, the Senate elected Valls Hernández for a full 15-year term by 85 votes out of the 114 cast.³

During the same session, the upper chamber reelected José Luis Soberanes Fernández as the president of the National Human Rights Commission for a second five-year term. The national ombudsman is elected directly by the Senate by a two-thirds vote from among candidates who are nominated by civil organizations and academics. The Senate Human Rights Committee chose to reelect Soberanes, though senators from the National Action Party (PAN) decided not to sign the committee report, questioning the record of the commission. Nonetheless, Soberanes was reelected on the floor with 81 votes.

A total of 219 bills were introduced in the Senate between September 1 and December 14, 2004 (see Table 1), more than in any other fall term. Thirty-two were constitutional amendments and 163 proposed new legislation or amended existing statutes. In addition, the president submitted 19 treaties to the upper chamber, as well as 5 requests for authorization to leave the country. Senators introduced 134 bills, more than 60 percent of the total. State legislatures introduced 2 bills, and 32 bills originated in the executive branch. A federal deputy, Manuel Velasco Coello (The Ecologist Green Party of Mexico, PVEM), introduced a bill to revise article 76 of the Constitution to require the president to submit a report to the Senate on the state of foreign relations every six months rather than annually. Because the bill dealt with the upper chamber, the Chamber of Deputies opted to send the bill to the Senate.

Senators from the Institutional Revolutionary Party (PRI) introduced 45 bills in the fall 2004 term, more than any other party, and more than 20 percent of the total. Four of the constitutional reforms proposed by the PRI dealt with the Supreme Court. One, dealing with cases when a vacancy arises on the Supreme Court in the course of a 15-year term, would require the new justice to serve until the end of the original term and then retire (with no reelection allowed). This addressed the controversy over whether or not President Fox could name an additional justice for a full term. According to the 1994 reforms, two justices are replaced every three years (three justices in the last batch), allowing for a staggered renewal of the Court. This reform would maintain the regular replacement, avoiding the haphazard schedule that would naturally result from accidental vacancies. The problem with the PRI's proposal is that because reelection is not possible, justices must retire at the end of their terms, meaning a replacement could get a full pension after only a year or so

3. There had been some debate on whether the new justice should serve for the remainder of Román's term, or should be elected for a full term.

on the bench. Another reform would remove the concept of provisional Supreme Court justices, retaining only that of full and interim justices.⁴

Table 1. Bills Introduced in the Senate, September 1 through December 31, 2004

Sponsor	Laws	Constitutional Reforms	Treaties	Total	Percent of Total
Senator-PRI	37	8	0	45	20.5
Senator-PAN	29	10	0	39	17.8
Senator-PRD	14	6	0	20	9.1
Senator-PVEM	20	2	0	22	10.0
Senator-Independent	0	1	0	1	0.5
Senators in coalition	3	1	0	4	1.8
Committees	3	0	0	3	1.4
Executive*	8	0	19	32	14.5
Deputies**	0	1	0	1	0.5
State Legislatures	1	1	0	2	0.9
Chamber of Deputies	48	2	0	50	22.8
Total	163	32	19	219	100.0

* The total includes five requests for authorization to travel outside of the country.

** Bill introduced by a deputy directly in the Senate.

A more controversial reform of the Supreme Court would allow Congress to increase or decrease the number of justices by law. The argument behind it is that the workload of the court has increased, necessitating more justices. However, this proposal could also easily be used to pack the court when partisan alignments permit. Another reform would create a new Tribunal de Contradicción de Tesis y Competencias, which would sit between the Supreme Court and the federal circuit courts. When the circuit courts make contradictory rulings, this new federal court of appeals would resolve some of the issues (the Supreme Court would still rule on constitutional contradictions).

The PRI also introduced a bill in the Senate that would prohibit the spouses, sons, and daughters of the incumbent president or governors from running as candidates for president, governor, federal or state legislator, or mayor. This constitutional proposal was triggered by the gubernatorial candidacies of spouses

4. Interim justices serve when a regular justice takes a temporary leave of absence for more than one month. The provisional justices were removed from other constitutional articles in the 1994 reform, but were left in article 94 by accident.

of sitting governors and the on-again, off-again candidacy of Marta Sahagún de Fox. The argument behind it is that these candidacies benefit from special incumbent advantages; arguably they even represent a form of reelection.

After the scandalous behavior of opposition legislators in recent presidential state-of-the-union addresses (demonstrations, shouting, turning their backs on the president, etc.), Sen. Dulce María Sauri Riancho (PRI) introduced a reform to article 69 of the Constitution to abolish the address itself. The PRI senators also introduced in the Senate a constitutional reform that would permit states to appeal to the federal Congress to set the borders between states when they cannot resolve their differences through negotiation. Anticipating the forthcoming debate (in the spring 2005 term) on the removal of immunity of the mayor of Mexico City, the PRI introduced a bill to repeal a section of article 38 that would suspend the political rights of a Mexican citizen who has been indicted or convicted of a felony. Accordingly, an indictment would not disqualify a person from running for office.

In the fall 2004 term, PAN senators introduced 39 bills, 17.8 percent of the total. Of these, 10 proposed amendments to the Constitution. Two of the bills would reform articles 73 and 74 to allow both chambers to approve the budget; currently, only the Chamber of Deputies approves the budget. As discussed below, President Fox vetoed the 2005 budget on November 30, 2004. The opposition in the Chamber of Deputies claimed that the president could not veto the budget because their reading of article 72 permits the president to veto only legislation that is approved by both chambers. On December 9 and on December 14, the PAN senators Jeffrey Max Jones and Héctor Osuna Jaime, respectively, introduced separate bills that would require that the budget be approved by both chambers, which would not only permit the Senate to intervene in the budget process, but also authorize a presidential veto.

Osuna's bill also would replace the 32 senators elected by proportional representation with a senator elected by each state legislature from a list of three candidates nominated by the governor. (Currently, 2 senators in each of the 32 states are elected by a plurality vote from a single slate, 1 is elected from the party placing second, and 32 are elected by proportional representation from a national list.) This would increase the federalism of the Senate. Currently, three-fourths of the Senate represents the voters of the states, but not the state governments. This proposal would partially mirror the system of election of the upper house in Germany. Had this system been used in 2000, the PRI would have won a majority of seats rather than a plurality. The PAN introduced another bill that would eliminate the 32 proportional representation senators and reduce the number of list deputies from 200 to 100. Curiously, both proposals would reduce somewhat the congressional representation of the PAN and strongly favor the PRI.⁵

The PAN also introduced a constitutional reform that would prohibit the spouse and children of a sitting president from running for the presidency for the

5. Using the 2003 results for the federal deputy elections, the PRI would have won 52 of 96 seats (54 percent of the Senate) under this proposal. Under the current rules it won 64 out of 128 seats (50 percent). Nearly any plurality rule in the Senate would result in the strong overrepresentation of the PRI. After removing the PVEM votes from the 2003 PRI-PVEM alliance, the PRI won less than 37 percent of the national vote, but it would have won at least half of the seats in the Senate.

next term. The spouse and children of sitting governors also could not run for governor in the same state, and a similar restriction would extend to mayors. Another constitutional amendment from the PAN would explicitly require the Federal District to have a human rights commission (it already does, but by local statute), and require the state legislatures to elect the presidents of the human rights commissions in their states, guaranteeing the independence of these ombudsmen from the executive branches. Another would protect the private data of crime victims, even restricting access to the defense.

The Party of the Democratic Revolution (PRD) introduced 20 bills in the Senate during the fall 2004 term, including 6 constitutional amendments. Three of these reforms dealt with human rights. One would not allow the government to suspend certain human rights under article 29 emergencies—specifically those rights that cannot be restricted according to the American Convention on Human Rights. A second would force Mexican courts to obey rulings from the Inter-American Court of Human Rights. A third reform would give standing before the Supreme Court to the National Human Rights Commission and the Bank of Mexico to present constitutional controversy suits. Another PRD bill would allow Congress to force cabinet secretaries to publish bills that the president vetoes or refuses to publish.

The five senators from the PVEM introduced 22 initiatives (two more bills than the much larger PRD delegation had sponsored), including two constitutional amendments. One bill creates a constitutional mandate for access to government information (currently covered only by federal statute), and requires all states to have their own system of transparency. Another reform from the PVEM would require the Senate to confirm the appointment of the director of PEMEX.

The president did not submit any regular legislation directly into the Senate during the fall 2004 term. Seven of the bills from the executive branch that entered the upper house were part of the budget package that had previously been approved by the Chamber of Deputies. A bill to commemorate the defense of Veracruz in 1914 against U.S. forces also entered the Senate after having been approved by the Chamber of Deputies. The bill would require the national flag to be flown at half-mast on April 21.

The president also submitted 19 treaties, or international agreements, for approval by the Senate during the fall 2004 term. Thirteen were bilateral accords: three tax treaties with Austria, Greece, and Russia; two educational and cultural cooperation agreements with Mozambique and Syria; a customs agreement with the European Union; a criminal procedures agreements with Honduras and Russia; a tourism pact with Poland; an agreement to promote trade with Japan; reforms to the free trade agreement with Uruguay; an aviation treaty with China; and a social security agreement with the United States.

The multilateral agreements included reforms to NAFTA; the 1999 Beijing decisions of the Universal Postal Union (UPU); the Rotterdam agreement on pesticides; and the protocol of the Sustainable Tourism Zone of the Caribbean (STZC). The president also sent an agreement to reorganize the Iberoamerican Conference, an annual meeting of the leaders of Spain, Portugal, and 19 Latin American states. Furthermore, he sent to the Senate the adhesion of Mexico into the Convenio Andrés

Bello (CAB), a group that originally included Andean countries and Spain, and dealt with cooperation in the areas of education, culture, science, and technology. Paraguay, Cuba, and Mexico have since joined the CAB.

During the fall 2004 term the Senate approved all of the treaties except for the aviation and social security agreements and the NAFTA reforms.

The president also submitted directly to the Senate five requests for authorization to travel abroad. The trips included a state visit to Ecuador, and official visits to Bolivia and Canada, APEC, the Río Group, the Iberoamerican Summit, the South American Summit, and a meeting on Central American integration. The Senate approved all five requests.

The Chamber of Deputies sent 50 bills to the Senate in addition to the 8 that the president had introduced originally in the lower chamber. The Chamber of Deputies sent 37 new bills that had been authored by federal deputies. It returned 13 bills to the upper chamber with corrections, and rebuffed the Senate's rejection of amendments to the Tourism Law. The 50 bills sent by the Chamber of Deputies to the Senate included 9 bills to amend the General Health Law, 6 crime bills, and 4 tax bills.

The Senate approved 107 pieces of legislation in the fall 2004 term: 81 bills, 21 treaties, and 5 travel authorizations. Thirty-seven pieces of executive legislation were approved, representing nearly 32 percent of the bills approved during the term. Sixteen of the international instruments that had been introduced during the fall 2004 term were passed, as well as five others that had been introduced in the spring of 2004. These included protocols to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; two acts of the International Telecommunication Union (ITU); an agreement with the International Organization for Migration (IOM) to open an office in Mexico; and the Convention for the strengthening of the Inter-American Tropical Tuna Commission. The following eight bills from the president were approved:

- Amendments to the Value-Added Tax Law;
- Amendments to the Vehicle Registration Tax Law;
- Amendments to the Income Tax Law and the Asset Tax Law;
- Amendments to the Federal Fees Law;
- Amendments to the Excise Tax on Production and Services Law;
- Federal Revenue Law for Fiscal Year 2005;
- Amendments to the Law on the National Coat of Arms, Flag, and Anthem, to commemorate April 21 as the anniversary of the Defense of the Port of Veracruz; and
- Amendments to the Law on Prizes, Incentives, and Civil Compensations.

The first seven bills originated in the Chamber of Deputies during the fall 2004 term. Five of the six financial bills were modified by the Senate and returned to the Chamber of Deputies for its assent (only the bill amending the vehicle registration tax was approved without amendment and sent to the president for publication).

The Law on Prizes, Incentives, and Civil Compensations regulates financial prizes for accomplishments in the arts, sciences, and sports. The amendments, proposed by the president and by a PRI deputy, deal mostly with recognition and incentives in sports.

Table 2. Resolution of Bills in the Senate, September 1 through December 31, 2004

Sponsor	Approved	Rejected
Senator-PRI	26	6
Senator-PAN	12	11
Senator-PRD*	3	4
Senator-PVEM	3	2
Senators in coalition	2	0
Committees	1	0
Executive**	34	0
State Legislatures	1	2
Chamber of Deputies	25	1
Total	107	26

* Includes two bills to withdraw reservations to ratified treaties. Both were rejected.

** Includes 21 treaties approved, and 5 travel authorizations approved.

During the fall 2004 term, the Senate approved 25 bills from the Chamber of Deputies, more than 23 percent of the total number of pieces of legislation approved. Sixteen had originated in the lower house; of these the Senate amended four, and returned them to the Chamber of Deputies. The modified bills were the amendments to the Industrial Property Law; the Cooperative Associations Law; the Federal Law for Persons with Disabilities; and the Business Chambers and Confederations Law. The reform of the Industrial Property Law provides new regulations for franchise copyrights and patents. The new Cooperative Associations Law regulates cooperatives, replacing a 1994 federal law on the same subject. The new Federal Law for Persons with Disabilities is one of the more important pieces of social legislation approved so far during the 59th Legislature. The law specifies that persons with disabilities have the right to public health, education, and work, and requires improvements for access to education, public transportation, and communications. It also creates a National Council for Persons with Disabilities to oversee policy options and implementation. The council includes six cabinet ministers and the head of the DIF (National System for Family Integral Development), as well as six citizens from the consultative council.⁶ The new Business Chambers and Con-

federations Law regulates the creation, organization, and functions of the chambers of commerce and industry. The law stipulates that membership remains voluntary. The law replaces a 1996 law on the same subject.

The Senate approved 12 bills from the Chamber of Deputies without amendment and sent them to the executive for publication. These included two bills dealing with public health, two banking regulations, and two tax bills. An amendment to the Nationality Law permits the use of the *matrícula consular*—the photo ID card issued by Mexican consulates abroad—as valid identification of nationality. The law requires that the card have security features, such as a magnetic strip and a hologram. Another bill passed by Congress allows each chamber to issue its own rules; currently both chambers share the same legislative rules. The two chambers also approved a bill that provides for free health care for children below the age of five in families with incomes in the bottom three deciles. This would apply to children in families that are not otherwise covered by one of the social security programs; the Seguro Popular is planning to provide coverage.

The upper chamber also approved nine bills that had originated in the Senate, but were amended in the Chamber of Deputies. Eight were approved without further amendment and sent to the executive for publication. These included two new laws: the Federal Law for State Liability and the National Security Law. The first provides a system of compensation for damages caused to citizens from state negligence or administrative irregularities. Appeals will be heard by the Federal Tribunal for Fiscal and Administrative Justice. This bill, a sleeper in terms of press coverage, may be one of the most consequential measures approved during the 59th Legislature. The National Security Law defines national security and threats to the same. It creates a National Security Council, headed by the president and including eight cabinet members, the attorney general, and the director of the Center for Investigation and National Security (CISEN). The law also establishes the structure and responsibilities of the CISEN, and regulates intelligence gathering, including wiretaps. It also creates a bicameral oversight committee composed of three senators and three deputies.

During the fall 2004 term, the Senate approved 47 new bills that had been introduced by senators. The PRI had 26 bills approved, more than any other party. Nine of these bills amended laws to reflect the 2001 indigenous-rights reforms. The Senate also approved a PRI bill to amend articles 46 and 73 of the Constitution so that the federal Congress could intervene to establish the boundaries between states if the states fail to agree on the resolution of boundary disputes. This bill clarifies ambiguous language in article 73.

Among other PRI bills approved was a new law to regulate section VI of article 76 of the Constitution. The constitutional provision states that the Senate resolves conflicts between the states. The new Regulatory Law sets up a statutory framework, defining which conflicts should be resolved by the Senate, by the Supreme Court, or by the states themselves. The Senate also approved a PRI bill that would amend the Nationality Law to remove the deadline to apply for dual citizenship

6. In approving the committee report that amended the bill from the Chamber of Deputies, the Senate included details from three Senate bills, one each from the PRI, PAN, and PRD.

(This applies to native-born Mexicans who have become citizens of other countries, generally the United States, and would like to recover their Mexican citizenship).

The PAN had introduced 12 of the bills that were approved by the Senate during the fall 2004 term. Among these were two indigenous rights bills, including the new Law for the Consultation of Indigenous Peoples and Communities. The bill addresses standards established in Convention 169 of the UN International Labor Organization that requires that indigenous groups be consulted on legislation that would affect their interests.⁷ The bill also added a chapter to the Organic Law of Congress to establish rules for consultation with indigenous groups. The Senate also approved the Federal Private Security Law, an amalgamation of bills from the PAN and the PRI, to establish standards for private security companies.

The Senate approved three bills that had been originally introduced by PRD senators. One of the PRD bills amended the Law of the National Human Rights Commission so that if an agency does not follow the recommendations of the commission, the latter would advise the Senate of the omission so that the human rights committees of both chambers could begin an investigation.

Three bills from the PVEM were also approved. These included a bill that repealed the Law to Preserve Neutrality of Mexico. This law was approved in November 1939 to maintain Mexico's neutrality during the Second World War. The original PVEM bill amended the law to update some of the terminology. However, the committees amended the bill to repeal the law altogether, recognizing that when Mexico declared war on Germany, Italy, and Japan on June 2, 1942, the law was essentially repealed. The Senate argued that the law violated several existing treaties and conflicted with articles of the Constitution that provide that the president and the Congress should decide when the country enters a particular war or when it maintains its neutrality.

The Senate rejected 26 bills during the fall 2004 term, including a constitutional amendment from the PRI that would change the manner in which the public accounts are reviewed and approved every year. The bill would have moved the date that the government would have to send the public accounts to the Chamber of Deputies from June 10 to February 28. The Federal Auditor (the comptroller general in Mexico) would have had to submit the report of the inspection of the public accounts to the Chamber of Deputies by October 31. The Chamber of Deputies would then have had to approve or reject the report by December 15 (Traditionally, the accounts were approved in December of each year, but the approval has been delayed for political reasons during the Fox administration.). The bill would have granted constitutional immunity to the head of the office of the Federal Auditor, and would have required the states and the Federal District to have autonomous auditors. The bill was approved in committee, but the vote on the floor failed to reach a two-thirds vote, with 67 in favor to 41 against. The PAN supported the constitutional autonomy for the state auditors, and was in favor of the new deadlines,⁸ but introduced an amendment on the floor for the bill to enter into effect on January 1, 2006. This amendment meant that the bill would not have affected the fiscal

7. Indigenous and Tribal Peoples Convention, 1989 (C. 169).

8. PAN bills in the Chamber of Deputies have proposed similar deadlines.

year 2005 budget (which had already been approved by the Chamber of Deputies), and the Finance Ministry and the Federal Auditor would have had a year to reach the new deadlines. The PRI insisted on the original timetable and defeated the amendment, but the bill itself was subsequently rejected on the floor.

The Senate also rejected the modifications that the Chamber of Deputies had made to its bill to amend articles 4 and 27 of the Constitution. The Senate bill obligated the government to provide adequate nutrition. The more moderate Chamber of Deputies bill created a right to nutrition, and granted concurrent powers to the federal, state, and municipal governments to guarantee that right. The Senate insisted on its original bill. It was approved by a vote of 62 in favor, 25 against, and three abstentions. The bill was then returned to the Chamber of Deputies.

The Senate also rejected PRD bills that would have removed reservations to the ratifying decrees of two treaties. The Senate had ratified the treaties with reservations so that they would not be retroactive. The treaties in question were the Inter-American Convention on the Forced Disappearance of Persons and the UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. The issue of statute of limitations has been critical in the legal proceedings dealing with the 1968 and 1971 massacres. The Constitution prohibits retroactive laws, however, and the Senate rejected the bills.

The Fall 2004 Term in Comparative Perspective: The Senate

The Senate was highly productive in the fall 2004 term when compared to the last 10 fall sessions. More bills by far were introduced in 2004 than in any other fall term in the upper house. During the last five years in which the PRI had an absolute majority in the Senate, an average of 68 bills were introduced. During those years, nearly 71 percent of the bills were introduced by the president, while only 20.5 percent were introduced by senators. During the first fall term of the 58th Legislature, in which no party controlled a majority, 71 bills were introduced, similar to previous years. However, senators introduced 35 percent of the bills, reflecting a significant increase over the previous years. The transition between the Zedillo and Fox administrations took place during the fall 2000 term, which contributed to the lower activity of the executive in that term.

During the first three full years of the Fox administration, covering the fall terms of 2001, 2002, and 2003, on average 134 bills were introduced in the Senate, nearly double the average of the years of PRI majority in the upper chamber. The president introduced less than 20 percent of the legislation that entered the Senate during these years, while senators introduced 63 percent. During the fall 2004 term, however, 219 bills were introduced, an increase of 63 percent over the mean number of bills introduced in the previous three years. Senators introduced 134 bills, an increase of 59 percent over the average number of bills that they had presented in the previous three years. The Chamber of Deputies sent 50 bills to the upper house during the fall 2004 term, an increase of nearly 31 percent over its recent average.

Table 3. Introduction of Bills in the Senate during the Fall Terms, 1995–2004

Legislature and Dates of Fall Terms	Sponsor	Bills Introduced	Percent of Total	
56	Senators	6	9.5	
	September 1– December 31, 1995	Executive	55	87.3
	Chamber of Deputies	2	3.2	
	Total	63	100.0	
	September 1– December 31, 1996	Senators	20	25.0
Executive		58	72.5	
State Leg.		1	1.3	
Chamber of Deputies		1	1.3	
Total		80	100.0	
September 1– December 31, 1997	Senators	12	20.7	
	Executive	39	67.2	
	Chamber of Deputies	7	12.1	
	Total	58	100.0	
	57	September 1– December 31, 1998	Senators	10
Executive		48	68.6	
State Leg.		1	1.4	
Chamber of Deputies		11	15.7	
Total		70	100.0	
September 1– December 31, 1999	Senators	22	31.4	
	Executive	42	60.0	
	Chamber of Deputies	6	8.6	
	Total	70	100.0	

Table 3. Introduction of Bills in the Senate during the Fall Terms, 1995–2004
(continued)

58	September 1– December 31, 2000	Senators	25	35.2
		Executive	36	50.7
		Chamber of Deputies	10	14.1
		Total	71	100.0
	September 1– December 31, 2001	Senators	76	55.9
		Executive	38	27.9
		Chamber of Deputies	22	16.2
		Total	136	100.0
	September 1– December 31, 2002	Senators	80	61.5
		Executive	20	15.4
State Leg.		2	1.5	
Chamber of Deputies		28	21.5	
Total		130	100.0	
59	September 1– December 31, 2003	Senators	98	71.5
		Executive	21	15.3
		State Leg.	1	0.7
		Chamber of Deputies	17	12.4
		Total	137	100.0
	September 1– December 31, 2004	Senators	134	61.2
		Executive	32	14.6
		Deputies	1	0.5
		State Leg.	2	0.9
		Chamber of Deputies	50	22.8
Total	219	100.0		

The Senate approved more bills than usual in the fall 2004 term. During the last five years that the PRI held a majority in the upper chamber, the Senate approved on average 51.4 bills. The president had introduced more than 68 percent of the bills that the Senate approved during this period. Between the fall terms of 1995 and 1998, the Senate approved a total of only six bills that had originally been introduced by senators. The Senate approved nine bills from senators in the fall 1999 term, the last year that the PRI held a majority. In the first year of the 58th Legisla-

ture, the Senate approved 39 bills, below its average, none of which had been introduced by senators.

Table 4. Resolution of Bills in the Senate during the Fall Terms, 1995–2004

Legislature and Dates of Fall Terms	Sponsor	Bills Approved	Percent of Total	Reports Approved	
56	Senators	0	0.0		
	September 1– December 31, 1995	Executive	52	98.1	
		Chamber of Deputies	1	1.9	
		Total	53	100.0	52
	September 1– December 31, 1996	Senator	1	1.6	
		Executive	59	96.7	
		Chamber of Deputies	1	1.6	
		Total	61	100.0	61
57	Senators	2	5.1		
	September 1– December 31, 1997	Executive	33	84.6	
		Chamber of Deputies	4	10.3	
		Total	39	100.0	38
	September 1– December 31, 1998	Senators	3	6.5	
		Executive	34	73.9	
		Chamber of Deputies	9	19.6	
		Total	46	100.0	46
	September 1– December 31, 1999	Senators	9	15.5	
		Executive	44	75.9	
		Chamber of Deputies	5	8.6	
		Total	58	100.0	56

Table 4. Resolution of Bills in the Senate during the Fall Terms, 1995–2004
(continued)

	September 1– December 31, 2000	Senators	0	0.0	
		Executive	29	74.4	
		Chamber of Deputies	10	25.6	
		Total	39	100.0	39
58	September 1– December 31, 2001	Senators	15	20.8	
		Executive	37	51.4	
		Chamber of Deputies	20	27.8	
		Total	72	100.0	67
	September 1– December 31, 2002	Senators	45	39.1	
		Executive	54	47.0	
		Chamber of Deputies	16	13.9	
		Total	115	100.0	106
59	September 1– December 31, 2003	Senators	48	51.1	
		Executive	27	28.7	
		State Leg.	1	1.1	
		Deputies	1	1.1	
		Chamber of Deputies	17	18.1	
	Total	94	100.0	79	
	September 1– December 31, 2004	Senators	47	43.9	100

During the first three full years of the Fox presidency, however, the Senate approved on average 93.7 bills. The president introduced only 42 percent of the approved bills. The number of bills approved by the Senate that were introduced by senators increased steadily during these years, from 15 in the fall 2001 term, to 45 in 2002, to 48 in 2003. In fact, in the fall 2003 term, for the first time ever, senators introduced more than 50 percent of the approved bills. During the fall 2004 term, the Senate approved 107 bills, the second highest total of the last 10 years, with 47 bills originating in the upper chamber and 34 in the executive branch.

The Chamber of Deputies in the Fall 2004 Term

During the fall 2004 term, the Chamber of Deputies of the 59th Legislature broke all previous records in productivity, both with respect to the number of bills introduced and the number of bills approved. This occurred despite delays and work stoppages caused by several major controversial decisions. Between September 1 and December 31, 2004, 502 bills were introduced in the Chamber of Deputies, more than in any previous fall term. In fact, more bills were introduced in these four months than in any three-year legislature before 1997. During the fall 2004 term, 92 constitutional reforms were submitted, as well as 405 laws, and five requests by the president to take a trip abroad.

Table 5. Bills Introduced in the Chamber of Deputies, September 1 through December 31, 2004

Sponsor	Laws	Constitutional Reforms	Total	Percent of Total
Deputy-PRI	129	34	163	32.5
Deputy-PAN	70	24	94	18.7
Deputy-PRD	40	15	55	11.0
Deputy-PVEM	60	5	65	12.9
Deputy-PT	8	3	11	2.2
Deputy-Convergencia	10	1	11	2.2
Deputies in coalition	11	4	15	3.0
Committees	6	0	6	1.2
Executive*	10	1	16	3.2
State Legislatures	13	4	17	3.4
Senators**	8	1	9	1.8
Senate	40	0	40	8.0
Total	405	92	502	100.0

* Includes five requests for authorization to travel outside of the country.

** Senators who introduce revenue bills in the Chamber of Deputies.

Of the 502 bills introduced in the Chamber of Deputies during the fall term, deputies sponsored 420, nearly 84 percent of the total. As has been the case in recent years, PRI deputies introduced the most pieces of legislation—163, or 32.5 percent. Thirty-four of these were constitutional amendments. Three bills called for regulating immunity for federal legislators, usually by suspending immunity when the

lawmaker has taken a leave of absence. Another constitutional reform would require a two-thirds vote of the Chamber of Deputies to accept the resignation of the president and would allow the president to be subject to impeachment. Still another would require transparency in the federal public administration, and grant the public the right to information. As in the Senate, a PRI deputy also introduced a bill that would make the annual state-of-the-union address optional.

The largest party in the lower chamber introduced several constitutional amendments on electoral matters. One would reduce the size of both chambers by eliminating 100 of the 200 proportional representation list deputies and all 32 list senators; according to all recent electoral results, these reforms would benefit the PRI. A second bill would permit voters to select “None of the Above” for federal deputy; the total of these void votes would end up in empty proportional representation seats. This bill would also eliminate the overrepresentation rules, now limiting overrepresentation at 8 percent and a ceiling of 300 total seats (60 percent of the total). Under a three-party system, a party could easily win a large majority of seats with much less than a majority of the vote (or under some circumstances, a party placing second nationally could win a majority of the seats); again the PRI would likely profit.

The PRI introduced several bills dealing with the internal rules of Congress. One would permit each chamber to have its own internal rules (they currently share one set of rules). Emilio Chuayffet, the leader of the PRI in the lower chamber, introduced a bill that would send bills to the floor with a negative recommendation if the bill is not reported by a committee within the time limit established by law (currently five days, though most recent proposals to amend the rules would increase the limit to between sixty and ninety days). The bill would also require that the president publish or veto a bill within 10 days (the current rule), but if Congress has ended its term within the 10-day limit, the veto would be sent to the Permanent Committee (currently the president can send his veto to Congress when the next term begins). The bill also gives committees subpoena power. Another PRI bill would prohibit the vetoing of the budget if the appropriations bill had been originally approved by a two-thirds vote.⁹

Another constitutional reform from the PRI would transfer from the federation to the states the jurisdiction over islands within 12 miles of the coast. This would give the states greater revenue from tourism. Another bill would strengthen the prohibition against foreign ownership of land within 100 kilometers of the border

9. Veto overrides require a two-thirds vote, so this rule would appear to have minimum practical consequences. In the Mexican Congress, however, a bill is first approved and then amendments are considered. The vote for “final passage” thus happens at the beginning of the process. It is very common for budgets (or for any law) to be approved by a large majority, or even unanimously, but subsequently be amended on the floor by very small majorities. A party might vote for the original text of a bill and oppose the final version after amendments, but it has no way to vote against the final version. This bill would force the president’s party (if in the minority) to vote against his budget in the first round to protect the veto power if subsequent votes are adverse. See William B. Heller and Jeffrey A. Weldon, “Reglas de votación y la estabilidad en la Cámara de Diputados,” in *El Congreso Mexicano después de la Alternancia*, ed. Luisa Béjar Algazi and Rosa María Mirón Lince (Mexico City: Asociación Mexicana de Estudios Parlamentarios/ Instituto de Investigaciones Legislativas del Senado de la República, 2003), pp. 85–119.

and 50 kilometers of the coast. The PRI introduced a bill that specifies the presumption of innocence in criminal cases; another that would require that the accused be informed of their rights and have an adequate defense; and yet another that would create an autonomous federal public defender's office. The PRI also introduced a bill to require forced labor for convicts, the proceeds of which would be used for reparations to crime victims and for court costs.

In addition, the PRI introduced a constitutional amendment calling for the government to provide free natural gas or liquid petroleum gas for domestic consumption by the extremely poor. Another bill would grant the social right to play sports, and permit the federal, state, and local governments to legislate on sports matters. PRI deputy Hugo Rodríguez Díaz introduced a bill that would allow federal and state deputies to serve three consecutive terms, senators two terms, and mayors three terms. To be eligible for reelection, however, a legislator would have to introduce at least three bills and attend at least 80 percent of floor and committee sessions. To be eligible for reelection, none of a mayor's annual public accounts could be rejected by the state legislature.¹⁰

PAN deputies introduced 94 bills during the fall 2004 term, representing 18.7 percent of the total. These included 24 proposals to reform the Constitution. One of these constitutional amendments would insert the Federal Institute for Access to Information (IFAI) into the Constitution as an autonomous agency; the president would appoint the chairman and four commissioners with confirmation by a two-thirds vote of the Senate. The states and the Federal District would also be required to create autonomous institutes to facilitate the freedom of information. The PAN also introduced a bill to permit the Federal District to ratify constitutional reforms, as well as a bill that would place treaties between the Constitution and regular laws in the constitutional hierarchy. The PAN introduced a reform that would have the Senate elect the attorney general from a list of three candidates proposed by the president (currently, the president submits the name of a single nominee, who must be confirmed by the upper chamber).

Deputies from the PAN introduced several bills regarding constitutional rights. One would restate article 1 of the Constitution, from the current "individual rights granted by the Constitution," to "individual rights recognized by the Constitution," with the argument that such rights are natural, and cannot be granted by any authority, but only recognized. The PAN introduced two bills to regulate crime victims' rights. Another constitutional amendment would stipulate that petitions made by citizens must receive responses from the government within four months. A major judicial reform sponsored by the PAN would allow *amparos*—injunctions granted by federal courts against unconstitutional government actions against individuals—to have general effect for the whole population. The PAN also introduced a constitutional reform to permit the voluntary use of arbitrators and mediators to resolve certain civil cases.

Like the PRI, the PAN deputies introduced a bill to suspend legislator immunity during a leave of absence. The PAN also introduced a comprehensive reform and

10. For the record, by October 6, 2005, Dep. Rodríguez Díaz had introduced 37 bills; two have been approved and two rejected.

reordering of the public accountability and impeachment articles (108 through 114 of the Constitution). The PAN also sponsored a bill to require union leaders to resign at least 90 days before running for the federal Congress. This bill would weaken the ties between some PRI-affiliated unions and the party.

The PAN deputies introduced bills to permit Congress to legislate on matters concerning children, persons with disabilities, and senior citizens. It also proposed reforms to labor rights in article 123 of the Constitution, to change maternity leave from the current six weeks before and six weeks after delivery to one month before and two months afterwards. Likewise, a reform to the same article would prohibit minors from working in dangerous or unhealthy conditions. The PAN also introduced two bills regarding fiscal federalism, a favorite topic of the party. One would permit states to refinance debt, while another would specify that municipal governments must approve their own regulations for revenue and spending.

Deputies from the PRD introduced 55 bills, including 15 constitutional amendments. During the first five years of the Fox administration, the PRD has introduced several bills to create a premier-presidential system (as in Finland or France), in which the executive branch would have two heads: the president, who would be head of state, and a prime minister or head of cabinet, who would be head of government, and would be at least partially responsible to the Congress.¹¹ One bill introduced during the fall 2004 term would create a cabinet chief, who would be nominated by the president and confirmed by a two-thirds vote of the Chamber of Deputies. The Chamber of Deputies would also confirm by the same majority all other cabinet posts except for the foreign minister and the attorney general, who would be confirmed by two-thirds of the Senate. (Currently the only cabinet minister who is confirmed is the attorney general.) The chambers would have the power to censure and remove the cabinet chief and other members of the cabinet by a two-thirds vote. The cabinet chief would be the head of the government, and would submit the budget and legislation.

The PRD also sponsored a bill in the lower chamber to prohibit relatives within four degrees of the president, governors, or mayors from running for the post of their relative, the current office holder. This bill was directed both at President Fox's wife, who appeared to have presidential ambitions during 2004, as well as at the wife of the (now former) PRD governor of Tlaxcala who won the candidacy for the fall 2004 election despite the opposition of the national party leadership. She was defeated by the PAN candidate in the general election. The PRD also introduced a bill that would create a constitutional maximum salary for all federal, state, and municipal office holders and public officials. The then mayor of Mexico City, Andrés Manuel López Obrador (PRD), made a major issue of the large salary cuts that he had imposed on members of the Mexico City government.

The PRD also introduced a constitutional proposal that would have Supreme Court justices elected directly by a two-thirds vote of the Senate, eliminating presidential nomination. The Supreme Court justices would have to have previously

11. For further detail on the other bills, see Jeffrey A. Weldon, "State Reform in Mexico: Progress and Prospects," in *Mexican Governance: From Single-Party Rule to Divided Government*, ed. Armand Peschard-Sverdrup and Sara R. Rioff (Washington: CSIS, 2005), pp. 27–107.

served as federal district or circuit judges (who are selected by the Judiciary Council, which is dominated by the Supreme Court). The party also sponsored a bill that would increase the elapsed time that former Supreme Court justices must wait before running for Congress. Currently, they must wait two years; the proposal would increase the interval to five years. The same proposal would prohibit federal legislators from holding jobs in the private sector or maintaining a private practice during their terms in office.

In electoral matters, the PRD proposed a bill that would require 80 percent of a town council to be elected in single-member districts (currently the majority is elected in a single slate at large, while the other parties fill proportional representation council positions with list councilors). This is an unusual proposal from the PRD, which usually prefers proportional representation over single-member districts. The same bill also would specify in the Constitution the separation of duties between the mayor and the town councils. The PRD also introduced a constitutional reform that would require that the proportional representation lists nominated by each party for the Senate, the Chamber of Deputies, state legislatures, and town councils be divided equally among women and men. The PRD also sponsored legislation that would create a proportional representation list for the federal Congress for Mexicans abroad. In the Chamber of Deputies, 10 seats would be reserved for a list of Mexicans abroad, while in the Senate 3 proportional representation seats would be reserved for a list of senators elected abroad. Mexicans living outside the country would be eligible to run for Congress and to vote for these legislators.¹²

The PRD introduced a bill that would allow Congress to publish a bill if the president neither publishes nor vetoes it within 10 days. The same bill stipulates that if the Chamber of Deputies does not approve the budget by the November 15 deadline, the original text of the president's proposal would be published. The president would be allowed a veto over the budget, but the Chamber of Deputies could override it by a vote of 251 members, making this a suspensive veto only.

In the area of basic individual rights, the PRD introduced a constitutional reform that would specify the right to privacy. It also introduced an amendment that would require warrants to tape private conversations, and would make it a felony to reveal private communications. This bill was sponsored after a couple of PRD officials in the Federal District were filmed taking bribes, and the tapes were revealed on the television news. The PRD also sponsored a bill that strengthens the separation between church and state, prohibiting the government from favoring one church or religion over another. The PRD also introduced a comprehensive constitutional reform package on criminal procedures.

The PRD only introduced one bill to increase social rights: a bill that would make high school education obligatory and require the government to provide free high school education.

The deputies from the Green Party introduced 65 bills during the fall 2004 term, more than the much larger PRD delegation. These included five constitu-

12. The summer 2005 electoral reform permits Mexicans abroad only to vote for president in the 2006 election.

tional reforms. Like the PRI and PAN, the PVEM introduced a bill that would strip a public official of immunity during a leave of absence. The Greens also introduced a bill that would prohibit public servants from benefiting any relatives within four degrees of consanguinity. The PVEM also introduced reforms to allow Congress to legislate on matters of organized crime, and to allow the Federal Preventative Police to investigate crimes.

The six-member Labor Party (PT) introduced 11 bills, including three constitutional amendments. One of these would permit the popular initiative, enabling citizens to introduce legislation into Congress after a petition has a certain number of signatures.¹³ Another bill from the PT would allow the Chamber of Deputies (not the Senate, where the PT has no representation) to directly elect the attorney general by a two-thirds vote.

The five-member delegation of Convergencia also introduced 11 bills, including a constitutional amendment to require Mexico's Central Bank to consider economic growth as well as monetary stability when it establishes its monetary policy.

During the fall 2004 term 16 bills that had originated in the federal executive branch were presented in the Chamber of Deputies, representing only 3.2 percent of the total number of bills that entered the chamber. This figure includes three presidential bills first approved by the Senate, one of which was a constitutional amendment, plus the five travel authorizations, each previously approved by the upper chamber. President Fox introduced only four bills, all part of the budget package, directly. However, the Chamber of Deputies, following standard practice, divided two of these bills into a total of six pieces of legislation, and proceeded to review them separately. The following are the bills that the president introduced directly in the fall of 2004 in the Chamber of Deputies:

- The Federal Revenue Law for fiscal year 2005;
- The Federal Budget for fiscal year 2005;
- Amendments to tax legislation (*Miscelánea Fiscal*), which the Chamber of Deputies divided into:
 - Amendments to the Value-Added Tax Law;
 - Amendments to the Excise Tax on Production and Services Law;
 - Amendments to the Vehicle Registration Tax Law; and
 - Amendments to the Income Tax Law and the Asset Tax Law.
- Amendments to the Federal Fees Law, which the Chamber of Deputies divided into:
 - Amendments to the Federal Fees Law; and
 - Amendments to Chapter XI, Hydrocarbons, of the Federal Fees Law, in the matter of the fiscal regime of PEMEX.

13. Unlike most popular initiatives in the United States, which allow citizens to both introduce legislation or directly legislate, the initiative proposals in Mexico have only allowed citizens to present bills in Congress. Once there the bills would follow the normal legislative procedures.

The Chamber of Deputies received the following three executive bills from the Senate, all of which had been approved by the upper chamber during the spring 2004 term or during the summer 2004 special session:

- Amendments to the Federal Criminal Code in the matter of the bribery of foreign public servants;
- Amendments to article 366 of the Federal Criminal Code; and
- Amendments to article 73 of the Constitution.

The amendments to the Federal Criminal Code make the bribery of foreign officials a felony. The amendments to article 366 of the criminal code would make express kidnappings a federal crime. These are overnight kidnappings, usually originating in street taxis, and mostly for the purpose of emptying ATM accounts. Express kidnappings would be defined as holding someone captive for purposes of assault or extortion for fewer than five days (after which regular kidnapping charges would apply). The amendments to article 73 of the Constitution would authorize Congress to pass statutory legislation that would permit state authorities to prosecute some federal crimes. The intention behind the amendments was to allow states to participate in the prosecution of street-level illegal drug sales.

The Senate forwarded 40 non-executive bills to the Chamber of Deputies that had been previously approved in the upper chamber. Among these were nine bills that had originated in the Chamber of Deputies, were corrected in the Senate, and returned to the lower chamber. Five of these belonged to the annual tax package. The others were amendments to the Federal Law against Organized Crime and the Industrial Property Law, as well as the new Business Chambers and Confederations Law and Federal Law for Persons with Disabilities. The Senate forwarded 31 bills that had been sponsored by members of the upper chamber. These included six bills that reformed statutes in order to put them in line with the indigenous reform of the Constitution in 2001. The Senate also sent the lower chamber four rural development bills, including the new Agricultural and Rural Insurance Fund Law. The upper chamber also sent down two banking bills and an insurance bill. In addition, the Senate sent two bills to the Chamber of Deputies that reformed articles of the General Population Law, which deals with immigration law. One would make the trafficking of migrants (*coyotes*) a felony. A second would permit the president to expel any foreigner from the country who has been convicted of any crime involving a minor. A reform to the General Education Law would require the government to spend at least 8 percent of GDP on education, of which 1 percent must be spent on research and development in public universities.

State legislatures sponsored 17 bills in the Chamber of Deputies during the fall 2004 term. The legislature of Jalisco introduced seven bills, Chihuahua presented three bills, Michoacán sponsored two bills, and the legislatures of Aguascalientes, Querétaro, Sonora, Veracruz, and Zacatecas introduced one each. The bill from the Querétaro state legislature would amend article 135 of the Constitution, so that if a state does not ratify or reject a constitutional amendment within 60 days, it is assumed that the state approved the amendment. The state of Jalisco sent a bill that would require half of the 200 proportional representation deputies to be elected

from lists, but the other half selected from among the losing candidates of the party with the highest percentages of the vote.¹⁴

Senators introduced 9 bills directly as chamber of origin in the Chamber of Deputies. The Constitution requires that all revenue and debt bills originate in the Chamber of Deputies, but does not prohibit senators from introducing such legislation. The Congress deals with this contradiction by permitting senators to present tax bills in the upper chamber, which then sends the bills to the Chamber of Deputies, where they are sent to committee.¹⁵ One of these bills simultaneously proposed amendments to article 27 of the Constitution, the Petroleum Energy Law, the Organic Law of PEMEX, and the Federal Fees Law. Because the last is a revenue law, the entire bill was sent to the Chamber of Deputies.

Between September 1 and December 15, 2004, the Chamber of Deputies approved the greatest number of bills of any previous fall term: 149 (see Table 6). Of these, 82, or 55 percent, had been originally sponsored by deputies. The PRI had sponsored 29, more than 19 percent of the total approved. Twenty had been introduced by PAN deputies, 9 by the 17-member PVEM delegation, 8 by the much larger PRD delegation, and one each by the small parties of PT and Convergencia. Eleven bills were approved that had been introduced by deputies of more than one party, an unusually large number. Senators saw a record-breaking 18 of their directly introduced revenue bills approved, matching the number of presidential bills approved and representing 12 percent of the total approved. State legislatures had sponsored five of the approved bills.

Of the 82 deputy-sponsored bills that were approved, 41, or half, were revenue bills. Most of these were approved along with the different parts of the executive's budget package. The inclusion of these bills in the reports reflects the incorporation of the ideas and preferences of the deputies in the reforms to the revenue laws. Ten other approved bills dealt with public health. The Public Health Committee continues to be one of the most productive committees in the Chamber of Deputies, following a strong showing by the same committee in the 58th Legislature. Six of the approved bills dealt with criminal law, five with commercial law, three with banking regulations, and two with the environment. The Chamber of Deputies also passed two bills dealing with the Organic Law of Congress.

14. The proportional representation rules would not be changed. This rule would have several effects. First, it would halve the influence of central party leadership, which usually selects the nominees for the lists. Second, it would decentralize representation, because many proportional representation deputies come from the capital cities of their states. Third, it would weaken gender equity in the lower chamber because it is much easier to control the allocation of list seats by gender.

15. For the purposes of the Mexican Congressional Report Series, these bills are counted only in the lower chamber and do not appear in the statistics of the Senate.

Table 6. Resolution of Bills in the Chamber of Deputies, September 1 through December 31, 2004

Sponsor	Approved	Rejected
Deputy-PRI	29	1
Deputy-PAN	20	0
Deputy-PRD	8	1
Deputy-PVEM	9	0
Deputy-PT	1	0
Deputy-Convergencia	1	0
Deputies in coalition	11	0
Committees	3	0
Executive*	18	0
State Legislatures	5	0
Senators**	18	0
Senate	26	0
Total	149	2

* Includes five requests for authorization to travel outside of the country.

** Senators who introduce revenue bills in the Chamber of Deputies.

One of the most controversial bills approved by the Chamber of Deputies during the fall 2004 was the reform to article 122 of the Constitution, which would require the Federal District to contribute to public education in a manner similar to that provided by the 31 state governments. The states believe that Mexico City receives overly favorable treatment from the federation in the funding of public education. The PRI had introduced this bill in the first year of the 59th Legislature, in December 2003. The PRI, PAN, and PVEM supported the legislation, arguing that the Federal District should pay its fair share. The PRD, backed by the PT, strongly opposed the bill, claiming that it was a scarcely veiled attack on the local authorities of the Federal District, then governed by the PRD's presidential candidate for 2006, Andrés Manuel López Obrador. Chamber business and debate were suspended for two legislative days by organized protests by the PRD. First, on October 5, PRD deputies from the Federal District Assembly took over the floor, ending the session for the day. On October 7, PRD federal deputies seized the floor while their party leader, Pablo Gómez, was giving a speech against a parliamentary procedure on the bill. The session was suspended again until the following week. Finally, the PRD allowed debate to continue on October 12. The measure was approved by a vote of 369 in favor (PRI, PAN, and PVEM) to 102 against (PRD and PT), with 8 abstentions (including the delegation from Convergencia).

The Chamber of Deputies approved a reform to the Social Security Law, introduced by the PRI in November 2004, which simplified the way in which the employers of rural day laborers provide social security medical benefits. The Social Security Institute often does not have the rural facilities available to satisfy its beneficiaries; in these cases, rather than sending contributions to the Social Security Institute, employers would provide benefits in kind. This change is expected to channel workers into the Seguro Popular.

The Chamber of Deputies also approved an amendment to the Federal Comptroller Law to allow the agency to audit public or private trusts (*fideicomisos*) that have received federal funds. These trusts have represented a major loophole in both the federal auditing and transparency laws. The Chamber of Deputies passed the amendment to the Nationality Law that would make the consular identification card (the *matricula consular*) a valid and secure form of identification of nationality.

Of the 18 executive bills that the Chamber of Deputies approved during the fall 2004 term, 13 had been introduced during the term (the 8 revenue bills and the 5 authorizations to travel abroad). The following are the 13 regular bills that had been sponsored by the president and were approved by the Chamber of Deputies:

- Federal Revenue Law for fiscal year 2005;
- Federal Budget for fiscal year 2005;
- Amendments to the Value-Added Tax Law;
- Amendments to the Excise Tax on Production and Services Law;
- Amendments to the Vehicle Registration Tax Law;
- Amendments to the Income Tax Law and the Asset Tax Law;
- Amendments to the Federal Fees Law;
- Amendments to Chapter XI, Hydrocarbons, of the Federal Fees Law, in the matter of the fiscal regime of PEMEX;
- Amendments to the Federal Fiscal Code, the Federal Highways Law, the Federal Highways, Bridges, and Automotive Transportation Law, and the Federal Police Law;
- Amendments to the Law on the National Coat of Arms, Flag, and Anthem, to commemorate April 21 as the anniversary of the Defense of the Port of Veracruz;
- Amendments to article 21 of the Constitution;
- Amendments to the Army and Air Force Discipline Law; and
- Amendments to the National Institutes of Health Law.

At the end of the spring 2004 term, President Fox introduced a bill in the lower chamber to amend the Federal Fiscal Code, the Federal Highways Law, the Federal Highways, Bridges, and Automotive Transportation Law, and the Federal Police Law (PFP). During the fall term, the Chamber of Deputies approved the law, which

would provide for greater funding to public security on federal roadways by earmarking funds from traffic fines, and sent it to the Senate for consideration. The Chamber of Deputies also approved the bill that Fox submitted that would require the flag to be flown at half-mast on April 21 to commemorate the defense of Veracruz in 1914 against U.S. forces. The lower chamber also approved amendments to the Army and Air Force Discipline Law that the president had first sent to the Senate. The bill is a major reform of court martial procedures. The amendment to the National Institutes of Health Law merely renames the National Institute of Perinatology, adding the name of Isidro Espinosa de los Reyes.

The Chamber of Deputies also approved three executive bills that had originated in the Senate. The most important was a constitutional amendment that would permit the federal executive to recognize the authority and jurisdiction of the International Criminal Court.¹⁶ The lower chamber approved the amendment by a vote of 347 in favor and 12 against, with 5 abstentions. All six members of the PT voted against the measure, claiming that the bill would imply a loss of sovereignty, and complaining that Mexican authorities had not been able to resolve the massacres of 1968 and 1971 and the dirty war of the 1970s. Six PRI deputies also voted in the negative, while five others abstained. Fox published the amendment on June 20, 2005.

The president's budget package for the 2005 fiscal year was approved with a great deal of controversy. The Federal Revenue Law was heavily amended by the Chamber of Deputies, and the report included eight other bills that had been introduced by deputies and senators. The committee increased the deficit target to 0.3 percent of GDP from the 0.1 percent that had been proposed by the president, increasing the federal debt limit to 132.7 billion pesos from 90 billion. The Finance Ministry had estimated the price of oil at \$23 (USD) per barrel; the deputies increased the amount to \$27. The Finance Committee reduced the debt limit authorized to the government of the Federal District to 1.7 billion pesos, from the 2.5 billion in the president's original bill. The deputies also eliminated (for 2005 only) the tax on liquid petroleum gas when it is used for automotive transportation. It also increased tax incentives proposed by the executive for research and development from 1.5 billion to 3 billion pesos. The Revenue Law was approved on October 29 with a vote of 269 in favor and 118 against, with the PAN opposing the committee report. The Senate reached a compromise between the PRI and the PRD on the one side and the president and the PAN on the other. It reduced the deficit estimate to 0.22 percent of GDP and the total federal debt limit to 97 billion pesos.

16. This amendment was an intermediate step in Mexico's commitment to the International Criminal Court, which began when President Zedillo signed the Rome Statute in September 2000, and concluded with the Mexican Senate's ratification of the statute in October 2005. Ratification of the Rome statute is expected to suspend Economic Support Fund (ESF) aid from the United States as a result of the Nethercutt Amendment in the U.S. Congress, included in H.R. 4818 sec. 581. The Nethercutt Amendment blocks a country from receiving ESF aid unless the country signs a bilateral impunity agreement with the United States protecting U.S. service members, officials, and contractors from prosecution by the international court. ESF aid represents almost 40 percent of U.S. aid to Mexico.

When the bill reentered the Chamber of Deputies with these corrections, it was approved by a vote of 432, none against, with one abstention.

In his original bill to amend the Value-Added Tax Law, President Fox proposed that the state governments be allowed to add a sales tax of up to 3 percent on top of the regular VAT, which would be lowered 3 points to 12 percent. The Finance Committee added content from 13 other bills in its final report. The deputies removed the proposed state sales tax and kept the VAT at 15 percent. They also added a new tax on professional services, ranging from between 3 to 5 percent, that would be collected by the state governments if they chose to do so. The bill was approved by a vote of 345 in favor, 5 against, with 6 abstentions. The Senate made minor modifications, and the bill was again approved by the lower house by a large margin.

The president's proposal for the Excise Tax on Production and Services Law would have added a 20 percent tax on liquid petroleum gas for automotive use. The committee bill, which incorporated five other bills, eliminated this tax for fiscal year 2005 and modified its application in future years. The deputies eliminated the 20 percent tax on the importation of soda and other refreshments if their only sweetener is sugar cane. The bill was passed unanimously on the floor. Minor modifications were made in the Senate on the rules for treasury stamps and seals, and the Chamber of Deputies approved the corrected version again by unanimity.

The executive's bill to amend the Vehicle Registration Tax Law would simplify the way in which the vehicle registration tax was calculated and would apply a lower rate for hybrid vehicles. The Chamber of Deputies made minor modifications, adding ideas from three other bills. The lower chamber approved the bill by an overwhelming margin. The Senate did not amend this bill.

President Fox proposed a major reform in the Income Tax Law, reducing the top corporate rate to 28 percent, and establishing a single rate for individuals earning less than 5 million pesos per year at 25 percent (with the first 76,000 pesos exempt). The Finance Committee, which incorporated 20 other bills in its report, rejected the immediate decrease in the corporate rate, establishing instead a top rate of 30 percent for 2005, 29 percent for 2006, and 28 percent for 2007. The deputies modified the way that businesses can deduct the amount that they pay to employees in profit sharing. They also eliminated a tax credit on salaries for medium-income taxpayers. The Finance Committee also modified the Asset Tax because of a recent Supreme Court ruling that parts of the tax were unconstitutional. The Chamber of Deputies approved the bill by a unanimous vote. The Senate made significant amendments, increasing the tax rate on individuals to 30 percent, and introducing a dual rate for 2006, in which individuals would pay 25 percent on the first 2.5 million pesos, switching at that point to a 28 percent marginal rate. Furthermore, the corporate rate of 28 percent was restored. The Chamber of Deputies later approved the modified bill by unanimity.

The Chamber of Deputies split the Federal Fees Law into two parts. The Finance Committee modified some of the regular fees, incorporating 10 other bills in the final report. This bill was approved by unanimity in the Chamber of Deputies, amended and returned by the Senate, and again approved by unanimity by the lower chamber. The bill dealing with hydrocarbons reduced the tax burden on PEMEX in order to increase internal investment. The decrease in public funds

would mostly be felt by the states and municipal governments, which currently get a share of oil revenue. This bill received unanimous approval in the Chamber of Deputies, but was not approved by the Senate until the spring of 2005, when it was modified and returned to the lower chamber.

The most controversial part of the budget package was the federal appropriations law. The president proposed a total budget of 1.7 trillion pesos, with a programmed deficit of 11.1 billion pesos. The Budget Committee made major modifications in the budget. It increased the total budget to 1.8 trillion, an increase of 74 billion pesos. The deputies increased the deficit by 57 percent to 17.5 billion pesos, and reassigned 93.6 billion pesos in discretionary spending. The chamber was slow in getting the committee report to the floor, finally approving the budget on November 18, three days past the constitutional deadline (The Chamber of Deputies claims that it officially approved the budget on November 15, because it stayed in permanent session until the 18th).¹⁷ The PAN complained that the opposition had put together the budget in private. After general debate, the Chamber of Deputies approved the budget by a vote of 323 in favor, 137 against, and one abstention. The PAN voted against the committee report, the first time that the party of the executive has voted against the budget. The main vote was followed by a series of roll calls on specific amendments. After losing the first two votes, the PAN deputies withdrew from the chamber. After further amendment, the chamber sent the bill to the executive; the Senate does not have a say in the approval of the budget.

President Fox vetoed the budget on November 30, for four general reasons. First, it contained technical contradictions.¹⁸ Second, the Chamber of Deputies exceeded its constitutional authority in reassigning expenditures. This was a matter of quantity, not quality; the executive branch argued that the total reassignment of funds amounted to about one third of discretionary spending. The Constitution had been amended the previous year to specifically permit the Chamber of Deputies to do what it has always done—amend the budget. However, the president claimed that the executive continues to have exclusive authority to introduce the budget, and too many modifications would nullify that authority. Third, the chamber had encroached on the jurisdiction of the executive branch by ordering specific public works projects—many pork-barrel projects of dubious value in the eyes of the executive branch.¹⁹ The executive branch follows regulations to determine which projects should have priority over others. Likewise, the Chamber of Deputies also had encroached on the autonomy of the judicial branch and the Federal Electoral

17. The chamber apparently also waited until the Electoral Tribunal confirmed the PRI's gubernatorial victories in Oaxaca and Veracruz. Once the decision was announced, and the PRI deputies ended their celebration, debate was permitted.

18. This included the unintentional increase in a line item for the Foreign Ministry (to promote development to the south/southeast of Mexico with Central American countries) from 807,501 pesos to 807.1 million pesos. In many instances, the amounts registered in one appendix did not match the amounts for the same program in another appendix. Furthermore, a number of line items were duplicated in different parts of the budget.

19. There were 121 projects with reassigned expenditures in the health sector, totaling 3.9 billion pesos. The veto message demonstrates that 53.4 percent of the projects were in states governed by the PRI, another 40 percent were in PRD states, and only 6.6 percent were in PAN-governed states.

Institute. Fourth, the budget contravened existing federal legislation by ignoring procedures established in other laws. For example, the veto message claimed that the budget approved by the Chamber of Deputies violated the Federal Revenue Sharing Law (*Coordinación Fiscal*), which requires that revenue sharing be determined by formulas, not by politics. The president argued that the budget even violated the 2005 Federal Revenue Law by setting revenue estimates that were different from those the revenue law had just approved. Part of this argument follows Supreme Court jurisprudence that asserts that the budget is hierarchically inferior to laws.

The PRI and PRD leaders in the Chamber of Deputies immediately argued that the president did not have the power to veto the budget; therefore, the president's observations were unconstitutional and invalid. On December 14, the last day of the fall term, without debate, the Chamber of Deputies voted to not admit the veto for consideration, and sent the veto and the original budget back to the president for publication. The vote was 332 to 146, with the PAN delegation and one PRD deputy voting against the decision.²⁰ The Chamber of Deputies based its argument on the introductory clause of article 72 of the Constitution. The article deals with the legislative procedures that must be followed for bills that must be approved by both chambers. The veto appears in section C of article 72. Citing constitutional scholars, the deputies argued that the budget could not be vetoed because it was approved by only one chamber, and the veto appears only in an article that deals with bicameral legislation.

President Fox disagreed. He published the budget on December 20, and then sued the Chamber of Deputies in the Supreme Court by means of a "constitutional controversy."²¹ He asked that the Supreme Court freeze the expenditures that he had objected to in his veto message. The executive argued that the president had the power to veto the budget. Clause J of article 72 states that the president cannot veto resolutions passed by Congress *or by one of its chambers* when they act as electoral bodies or as juries, or when the Chamber of Deputies removes immunity from an official. By implication, this means that, aside from these specific exceptions, the president can veto any legislation approved by one or both chambers.²² This clause is in the same article that authorizes the veto. Furthermore, there are ample precedents for presidential vetoes of the budget: between 1917 and 1933 there were 45

20. Note that this was not an override vote. Had the Chamber of Deputies voted to override, it would have been admitting that the president indeed had the right to veto the budget.

21. He had to publish the budget before bringing the suit to the Supreme Court. Otherwise, the Court would have ruled that there was nothing for them to rule on.

22. An interesting analogy (not brought up in the debate) is that during congressional recesses, the Permanent Committee approves authorizations for Mexican citizens to accept foreign medals or to work in foreign embassies. When Congress is in session, both chambers approve these authorizations. It is plausible that the president could object to someone receiving such permission, perhaps for national security reasons. It is unreasonable to suggest that the president can veto these authorizations when they are approved by both chambers, but would be prohibited from vetoing when only the Permanent Committee approves them. Likewise, either the bicameral Congress or the unicameral Permanent Committee approves presidential travel authorizations. If the legislative body amends the authorization, which has happened, and the president wants to insist on his original request, why would he be able to veto authorizations issued by the former but not the latter?

budget vetoes.²³ The Chamber of Deputies confirmed many of the vetoes, and even overturned five. At no point did the chamber deny that the president had the right to veto appropriations legislation.

On December 21, the Supreme Court granted an injunction against the budget, freezing 4.2 billion pesos in expenditures, part of the amount that the president had challenged. Finally, on May 17, 2005, by a vote of 5 to 4, the Supreme Court ruled that the president did have the authority to veto the budget. The Court also ruled that the president had a line-item veto; he could veto part of the budget and publish the remainder.²⁴ The Court ordered the Permanent Committee to call for a special session so that the Chamber of Deputies could resolve the executive's observations, either by confirming the veto, or by overriding it with a two-thirds vote. The Court declined to rule on the question of how much the Chamber of Deputies could modify the budget, arguing that the question was not yet ripe for adjudication (not until there was a veto override). The special session was called for June 21, 2005, the veto was finally introduced in the chamber, and other legislation was approved. A veto override was prepared, but the leadership of the PRI and the PRD failed to find the requisite two-thirds majority, so, on June 28, the resolution was withdrawn from the agenda. Because there had been a first reading of the resolution, the PAN called for a vote. The decision to withdraw the resolution was approved by a vote of 305 in favor, 151 against, with 5 abstentions.²⁵ Finally, on October 11, 2005, after negotiations between the Chamber of Deputies and the Finance Ministry, a compromise resolution was approved that appropriated 80 billion of the 111 billion pesos that could not be spent when the Court ruled that the veto was valid, thus ending the 300-day budget controversy.

During the fall 2004 term, the Chamber of Deputies approved 18 bills that had been sponsored by Senators and passed by the upper chamber.²⁶ These included two banking regulations, two education bills, and two public health bills. Three new laws that had originated in the upper chamber were approved: the Federal Law for State Liability, the National Security Law, and the Biosecurity Law for Genetically Modified Organisms. All three were amended by the lower chamber and returned to the Senate for further consideration. The Federal Law for State Liability and the National Security Law are described above.

The Biosecurity Law for Genetically Modified Organisms, approved by the Senate in the spring 2003 term, would regulate the production, importation, use, and sale of genetically modified organisms. The bill was approved by a vote of 319 in favor, 105 against, with 19 abstentions, badly dividing the PRD and PRI delega-

23. See Eric Magar and Jeffrey A. Weldon, "The Paradox of the Veto in Mexico, 1917–2001," presented at the 60th Annual Meeting of the Midwest Political Science Association, Chicago, 2002.

24. It is unlikely that the Court will extend the line-item veto to regular legislation.

25. As abstentions would be counted as no votes, had this been identical to an override vote, it would have narrowly failed.

26. The Chamber of Deputies also approved eight bills that had originated in the lower chamber but had been amended in the Senate, including five revenue bills from the 2005 budget package. Seven bills were approved without further amendment. However, the Chamber of Deputies insisted on the original text of some articles of the bill that amended the Public Sector Procurement Law and the Public Works Law, returning the bill to the upper chamber for final consideration.

tions. A majority of PRD deputies voted against the party leadership, arguing that the bill did not go far enough to protect the public. After the main vote, a majority of the chamber, anchored by the PAN deputies, withstood a series of very close amendment votes.²⁷

In non-legislative business, on November 4, 2004, the Chamber of Deputies voted to revoke the legislative immunity of René Bejarano Martínez, a PRD deputy in the Federal District (Mexico City) Assembly and a close political ally of then Mexico City mayor Andrés Manuel López Obrador. Bejarano was filmed taking large amounts of cash from a major contractor in April and June 2003, before the midterm elections. These videos were broadcast on the television news, creating a major scandal. Because Bejarano was a deputy in the Assembly, he had constitutional immunity from prosecution, which only the Chamber of Deputies could revoke. The charges against him were promotion of illicit conduct, money laundering, and illegal campaign contributions. Despite his prominent position in the PRD, the party in the chamber decided not to come to his defense. The vote was 444 in favor, 7 against, with 14 abstentions.²⁸ This procedure served as a dry run for the much more politically significant proceeding against López Obrador himself in the spring 2005 term.

The Fall 2004 Term in Comparative Perspective: The Chamber of Deputies

During the fall 2004 term, the Chamber of Deputies continued to break records in the sponsorship of new legislation, reflecting the new order of divided responsibilities under the eighth year of divided government. In the last two fall terms of unified government (1995 and 1996), on average only 54.5 bills were introduced in the lower chamber (see Table 7).²⁹ The executive branch sponsored 55 percent of the bills that entered the Chamber of Deputies. During the first year of divided government (1997), 71 bills were introduced in the fall term. This more than doubled to an average of 152 bills in the 1998 and 1999 fall terms. During the three fall terms of the 57th Legislature, the Zedillo administration introduced just fewer than 12 percent of all of the bills.

In the fall 2000 term, during the transition between Zedillo and Fox, only 88 bills were introduced while the deputies learned their new duties. However, the number of bills increased 170 percent to 238 in the fall 2001 term, and increased another 27 percent to 303 in the fall 2002 period. During the 58th Legislature, the deputies sponsored 72 percent of the legislation that entered the lower chamber, while the Fox administration was responsible for only 9 percent. In the first year of

27. In one case, the PRI delegation divided 97 in favor, 86 against, with 7 abstentions, with just enough nay votes together with the PAN to defeat an amendment.

28. Six PRD deputies voted against and another six abstained. All six members of the PT voted to abstain, as well.

29. During the Salinas administration, the fall terms were halved to only two months, so comparisons with these years are not meaningful.

Table 7. Introduction of Bills in the Chamber of Deputies during the Fall Terms, 1995–2004

Legislature and Dates of Fall Terms	Sponsor	Bills Introduced	Percent of Total	
56	Deputies	26	52.0	
	September 1– December 31, 1995	Executive	24	48.0
	Total	50	100.0	
	Deputies	35	59.3	
	September 1– December 31, 1996	Executive	24	40.7
	Total	59	100.0	
57	Deputies	51	71.8	
	Executive	14	19.7	
	September 1– December 31, 1997	Senate	1	1.4
	Senators	1	1.4	
	State Leg.	4	5.6	
	Total	71	100.0	
	Deputies	125	82.8	
	Executive	14	9.3	
	September 1– December 31, 1998	Senate	3	2.0
	Senators	2	1.3	
	State Leg.	7	4.6	
	Total	151	100.0	
	Deputies	120	78.4	
	Executive	16	10.5	
	September 1– December 31, 1999	Senate	10	6.5
Senators	1	0.7		
State Leg.	6	3.9		
Total	153	100.0		

Table 7. Introduction of Bills in the Chamber of Deputies during the Fall Terms, 1995–2004 (continued)

	September 1– December 31, 2000	Deputies	70	79.5
		Executive	9	10.2
		Senate	4	4.5
		Senators	1	1.1
		State Leg.	4	4.5
		Total	88	100.0
58	September 1– December 31, 2001	Deputies	171	71.8
		Executive	22	9.2
		Senate	19	8.0
		Senators	15	6.3
		State Leg.	11	4.6
		Total	238	100.0
	September 1– December 31, 2002	Deputies	212	70.0
		Executive	25	8.3
		Senate	45	14.9
		Senators	12	4.0
		State Leg.	9	3.0
		Total	303	100.0
59	September 1– December 31, 2002	Deputies	123	59.1
		Executive	12	5.8
		Senate	39	18.8
		Senators	18	8.7
		State Leg.	16	7.7
		Total	208	100.0
	September 1– December 31, 2004	Deputies	420	83.7
		Executive	16	3.2
		Senate	40	8.0
		Senators	9	1.8
		State Leg.	17	3.4
		Total	502	100.0

the 59th Legislature (2003), the legislative input decreased somewhat to 208 bills, but the deputies remained dominant, sponsoring 59 percent of the legislation, while the president introduced less than 6 percent.³⁰ The number of bills introduced in the fall 2004 term increased 141 percent, reaching a record 502 bills. The deputies introduced nearly 84 percent of the bills, while the president was responsible for only 3 percent. During the fall 2004 term, the Chamber of Deputies was more productive than in any other recent year. Between 1995 and 1997, on average 26 bills were approved in the lower chamber during the fall terms. Nearly 71 percent of the approved legislation had originated in the executive branch. Between 1998 and 2000, on average 33 bills were approved per year in the fall terms, reflecting a larger participation by the deputies under divided government. In fact, in the fall term of 1998, for the first time in decades, the deputies approved more of their own bills than they did executive bills. During these three years, 35 percent of the approved legislation originated in the executive branch.

Legislative productivity increased dramatically in the fall 2001 term. The number of bills approved more than doubled the previous average, reaching a total of 81 pieces of new legislation. Only 26 percent of these bills had originated in the executive branch. In the fall 2002 term, the number of bills approved increased 74 percent, to 141 bills. The Fox administration introduced less than 16 percent of the total number of initiatives approved, while the deputies sponsored nearly 60 percent of the approved legislation. In the first year of the 59th Legislature, as the new deputies were learning the ropes, the number of bills approved fell to 45. Only 18 percent of these bills had originated in the executive. In the fall 2004, term, however, the number of bills approved increased to 149, breaking the record set in 2002. The percentage of approved bills that had been sponsored by the president fell to an all-time low of 12 percent.

The last column in Table 8 shows the number of committee reports approved. This figure is a better comparison between years and legislatures, because it is not uncommon for several bills to be incorporated into a single committee report.³¹ For example, 60 bills that had been sponsored by deputies or senators were attached to the seven executive revenue bills in the 2005 budget package. When only committee reports are taken into account, the productivity of the fall 2004 term remains exceptionally high. In the two previous fall terms of high productivity, 2001 and 2002, 52 and 65 committee reports were approved, respectively. In the fall 2004 term, the Chamber of Deputies approved 87 committee reports, an increase of 34 percent over the fall 2002 term.

30. Because the Senate was not renewed in 2003, the upper house had sponsored the highest proportion of bills ever; the senators kept up their customary high rate of productivity. Before 2000, and particularly before 1997, the Senate had rarely approved legislation that had been introduced by its own membership.

31. Sometimes two or more bills are treated as coequals. Sometimes only parts of a bill are incorporated into a report. And sometimes it is difficult to discern why the committee bothered to include a particular bill in its report. If the committee claims that the bill is incorporated, it is included in the statistics. It should be noted that a committee may report some bills favorably and others negatively in the same document. In this case, if the report is approved, the bills that were reported negatively are rejected, while the others are approved.

Table 8. Resolution of Bills in the Chamber of Deputies during the Fall Terms, 1995–2004

Legislature and Dates of Fall Terms		Sponsor	Bills Approved	Percent of Total	Reports Approved
56	September 1– December 31, 1995	Deputies	5	20.0	23
		Executive	20	80.0	
		Total	25	100.0	
	September 1– December 31, 1996	Deputies	10	29.4	27
		Executive	24	70.6	
		Total	34	100.0	
57	September 1– December 31, 1997	Deputies	6	30.0	17
		Executive	12	60.0	
		State Leg.	2	10.0	
		Total	20	100.0	
	September 1– December 31, 1998	Deputies	22	52.4	31
		Executive	15	35.7	
		Senate	3	7.1	
		State Leg.	2	4.8	
		Total	42	100.0	
	September 1– December 31, 1999	Deputies	12	38.7	25
		Executive	12	38.7	
		Senate	6	19.4	
State Leg.		1	3.2		
Total		31	100.0		

Table 8. Resolution of Bills in the Chamber of Deputies during the Fall Terms, 1995–2004 *(continued)*

	September 1– December 31, 2000	Deputies	14	51.9	
		Executive	8	29.6	
		Senate	3	11.1	
		State Leg.	2	7.4	
		Total	27	100.0	20
58	September 1– December 31, 2001*	Deputies	40	49.4	
		Executive	21	25.9	
		Senate	9	11.1	
		Senators	6	7.4	
		State Leg.	5	6.2	
		Total	81	100.0	52
	September 1– December 31, 2002	Deputies	84	59.6	
		Executive	22	15.6	
		Senate	15	10.6	
		Senators	15	10.6	
		State Leg.	5	3.5	
		Total	141	100.0	65
59	September 1– December 31, 2003	Deputies	18	40.0	
		Executive	8	17.8	
		Senate	13	28.9	
		Senators	4	8.9	
		State Leg.	2	4.4	
		Total	45	100.0	31
	September 1– December 31, 2004	Deputies	82	55.0	
		Executive	18	12.1	
		Senate	26	17.4	
		Senators	18	12.1	
		State Leg.	5	3.4	
		Total	149	100.0	87

* The closing date for the fall 2001 special session actually ended on January 1, 2002, because the Chamber of Deputies did not finish passing the budget on time.

Cumulative Productivity of the 59th Legislature through December 31, 2004

This section studies the cumulative productivity of both chambers for the 59th Legislature through December 31, 2004. After three regular legislative terms, 530 bills or treaties had been introduced in the Senate (see Table 9). Senators had introduced 347 bills, representing nearly two-thirds of the total. The president introduced 84 bills or treaties, or nearly 16 percent of the total. The Chamber of Deputies had sent 95 non-executive bills to the Senate after approval by the lower chamber (18 percent of the total). If the 40 treaties from the 59th Legislature are excluded, the president sponsored 9 percent of the total of the regular legislation in the upper house, senators 71 percent, and the Chamber of Deputies more than 19 percent. The PRI introduced the most bills, at 145, followed by the PAN, with 83. The PRD and the Greens introduced 50 bills each.

By the end of 2004, the Senate had approved 257 bills and treaties, or 37.6 percent of the legislation considered during the 59th Legislature. Senators had sponsored 113 of the approved pieces of legislation, representing 44 percent of the total. The executive branch had been the source of 86 of the approved bills or treaties, slightly more than a third of the total. Deputies had introduced 55 of the bills that were sent to the Senate after having been approved by the lower house, or more than 21 percent of the total approved bills. If the 40 approved treaties are excluded, the president introduced 18 percent of the approved legislation, senators 54 percent, and deputies 26 percent.

The Senate had approved 82.7 percent of the president's bills or treaties by the end of the fall 2004 term. One treaty had been rejected, but only by executive recommendation. Nearly one-quarter of the bills that had been sponsored by senators had been approved, and just over half of the non-executive bills from the Chamber of Deputies had been passed. More than 29 percent of the PRI's bills had been approved by the Senate, the best success rate of any party. Nearly 22 percent of the bills sponsored by PAN senators had been passed by the Senate. The success rate for the PRD by the end of 2004 was about 18 percent, while just less than 15 percent of the Green Party's bills had been approved. More telling, perhaps, is the fact that more of the PVEM's bills had been rejected, or had received a negative report, than had been approved by the Senate.

Because the Senate was not renewed in the 2003 midterm elections, the combined cumulative productivity of the 58th and 59th Legislatures provides a more accurate measure of productivity in the upper chamber (see Table 10). Between September 1, 2000, and December 31, 2004, 1,256 bills were introduced in the Senate. The president had sponsored 288 bills or treaties in this period, nearly 23 percent of the total. Senators had sponsored 743 bills, or 59 percent of the total. The Chamber of Deputies had submitted 202 non-executive bills, or 16 percent of the total, after approving them itself. If the 159 treaties are excluded, the share of regular legislation sponsored by the executive branch falls to less than 12 percent, with more than two-thirds of the regular bills having been introduced by senators. The PRI had introduced the most bills by the end of 2004, with 310, or nearly one-quarter

ter of the total. The PAN had introduced 160 bills, followed by the PRD with 110 and the Greens with 108.

In the first four years of the Fox administration, the Senate approved 599 bills, more than 47 percent of the legislation introduced. The executive had sent to the Senate 256 of the approved bills or treaties, nearly 43 percent of the total legislation approved. Senators had sponsored 207 of the approved bills, representing 34.6 percent of the total. The Chamber of Deputies had submitted 133 of the approved bills, more than 22 percent of the total. If the 147 approved treaties are excluded, the president introduced 24.1 percent of the approved legislation, senators 45.8 percent, and deputies 29.4 percent. The Senate approved 109 bills that had been sponsored by PRI senators. The PAN Senate delegation was a distant second with 39 bills approved. By the end of 2004, the PRD and the PVEM had 19 and 17 bills approved, respectively. The PVEM had also had 18 of its bills rejected by the upper chamber, the only party with a “losing” record.

In his first four years, Fox has enjoyed a success rate of greater than 88 percent in the Senate. Seven of his bills have been rejected (the eighth in Table 10 is Zedillo’s energy reform bill), including five treaties, for which the executive had recommended rejection. The Senate rejected also the administration’s proposal to reform the Federal Fiscal and Administrative Tribunals (part of the fiscal reform of 2001), and a request for authorization to leave the country in April 2002. The Senate approved nearly 28 percent of the bills that members of its own chamber had sponsored. The upper chamber also approved 62.4 percent of the deputy-sponsored bills originating in the lower house. By the end of 2004, the Senate had approved 35 percent of the PRI’s bills, the best success rate of any party. The PAN senators saw more than 24 percent of their bills approved.

After a slow start, the cumulative productivity of the Chamber of Deputies in the 59th Legislature has increased to about normal levels. By December 31, 2004, 1,133 bills had been introduced in the Chamber of Deputies (see Table 11). As a comparison, 1,256 bills had been introduced in the Senate in the combined 58th and the 59th Legislatures.³² The president had sponsored a total of 43 bills in the lower chamber, representing only 3.8 percent of the total. Deputies had introduced 883 bills in the chamber, nearly 78 percent of the total. The PRI had introduced the most bills, 327, or nearly 29 percent of the total number of bills. The PAN had introduced 189, and the PRD 145. The small parties continued to introduce more than their share of bills. The PVEM had sponsored 111, the five-member Convergencia delegation 37, and the six-member Labor Party (PT) 28. Individual senators had directly introduced 37 revenue bills in the lower chamber, while the Senate had sent on to the Chamber of Deputies 99 non-executive bills that it first passed.

The Chamber of Deputies had approved 297 bills by the end 2004, a pace that would easily break the record for the total number of bills approved in a three-year legislature that was set by the 37th Legislature (1937–40) during the Cárdenas administration (the 58th Legislature fell just short of the mark). The Chamber of Deputies had approved more than 23 percent of the legislation that it considered

32. By the middle of the spring 2005 term, the Chamber of Deputies of the 59th Legislature had passed the Senate of the 58th/59th Legislatures in terms of bills introduced.

(including bills from the archives that have been reported by committees). President Fox had sponsored 34 of the approved bills, only 11.4 percent of the total. Between 1928 and 1997, an overwhelming majority of the bills approved by the Chamber of Deputies had originated in the executive branch. In the years of divided government (1917–28, 1997–present), however, more of the approved bills have been sponsored by deputies than by the president. Through December 31, 2004, deputies had introduced 173 of the approved bills, more than 58 percent of the new legislation approved in the 59th Legislature. Senators had introduced 21 of the approved revenue bills directly in the lower chamber (just more than 7 percent of the total). The Senate as a body had submitted 62 of the approved bills (nearly 21 percent of the total).

Sixty PRI bills had been passed in the Chamber of Deputies, more than one in five of the total. The PAN deputies had 38 of their bills approved (more than Fox). The PRD had 29 bills approved by the end of December 2004, while the PVEM had 15.

In the first 16 months of the 59th Legislature, 72.3 percent of the bills of the Fox government had been approved. For comparison, about 90 percent of Zedillo's bills had been approved in the 57th Legislature, after the PRI lost its majority in the lower chamber; Fox's success rate in the 58th Legislature was also around 90 percent. In the years of unified government, even as late as 1994–97, the Chamber of Deputies usually approved more than 98 percent of the executive's bills. The lower recent approval rate for the president's bills reflects the smaller size of the PAN delegation, the greater partisan acrimony in the current legislature, and the fact that the Chamber of Deputies undoubtedly takes its time to review non-budget legislation coming from the executive branch. Barring a total breakdown in executive-legislative relations in the second half of the 59th Legislature, it is likely that the total success rate of executive bills will creep back up to around the 80 percent range.

By the end of the fall 2004 term, the Chamber of Deputies in the 59th Legislature had approved 17.4 percent of the legislation that had been sponsored by its own members. This relatively low figure is driven more by its very high denominator—995 deputy-sponsored bills considered. The Chamber of Deputies had approved 53.4 percent of the bills that it had received from the Senate; this is somewhat better than the treatment that the Senate has given to Chamber bills in the 59th Legislature: 50.5 percent approval. Surprisingly, more than half of the revenue bills that Senators had introduced directly in the Chamber of Deputies had been approved, a rate nearly three times better than the treatment that the lower chamber gives to the bills of its own members.

Table 9. Bills Considered in the Senate, 59th Legislature, Cumulative (September 1, 2003, through December 31, 2004)

Sponsor	Bills Introduced					Total	Bill Resolution				
	New Bills (from the 59th)			Archived Bills (from before the 59th) ¹	% of Total		Approved	Rejected/ Negative Report	Pending ²	% Approved	% of Total Approved
	Laws	Constitutional Reforms	Total								
Senator-PRI	121	24	145	53	27.4	58	21	119	29.3	22.6	
Senator-PAN	63	20	83	22	15.7	23	20	62	21.9	8.9	
Senator-PRD ³	32	18	50	16	9.4	12	10	44	18.2	4.7	
Senator-PVEM	40	10	50	17	9.4	10	12	45	14.9	3.9	
Senator-Independent	0	1	1	0	0.2	0	0	1	0.0	0.0	
Senators in coalition	9	4	13	7	2.5	9	4	7	45.0	3.5	
Committees	5	0	5	0	0.9	1	0	4	20.0	0.4	
Executive ⁴	30	5	84	20	15.8	86	1	17	82.7	33.5	
State Legislatures	2	1	3	4	0.6	2	2	3	28.6	0.8	
Deputies ⁵	0	1	1	1	0.2	1	0	1	50.0	0.4	
Chamber of Deputies	91	4	95	14	17.9	55	4	50	50.5	21.4	
Total	393	88	530	154	100.0	257	74	353	37.6	100.0	

1 Only bills that have a committee report published in the *Gaceta Parlamentaria*.

2 Includes bills that have received a favorable report but have not yet been voted on the floor, and bills that have been suspended.

3 Total includes two bills to repeal reservations to ratified treaties, both rejected.

4 Total includes 9 requests for authorization to travel outside the country, as well as 14 treaties from the 58th and 40 treaties from the 59th. The Senate has approved 49 treaties and rejected 1.

5 Deputies who introduced bills directly in the Senate.

Table 10. Bills Considered in the Senate, 58th and 59th Legislatures, Cumulative (September 1, 2000, through December 31, 2004)

Sponsor	Bills Introduced					Total	Bill Resolution				
	New Bills (from the 58th and 59th)			Archived Bills (from before the 58th) ¹	% of Total		Approved	Rejected/ Negative Report	Pending ²	% Approved	% of Total Approved
	Laws	Constitutional Reforms	Total								
Senator-PRI	254	56	310	1	24.7	109	23	179	35.0	18.2	
Senator-PAN	123	37	160	1	12.7	39	22	100	24.2	6.5	
Senator-PRD ³	67	41	110	2	8.8	19	15	78	17.0	3.2	
Senator-PVEM	84	24	108	0	8.6	17	18	73	15.7	2.8	
Senator-Independent	0	1	1	0	0.1	0	0	1	0.0	0.0	
Sensors in coalition	34	10	44	0	3.5	18	7	19	40.9	3.0	
Committees	9	1	10	0	0.8	5	0	5	50.0	0.8	
Executive ⁴	98	9	288	2	22.9	256	8	26	88.3	42.7	
State Legislatures	9	9	18	0	1.4	2	2	14	11.1	0.3	
Deputies ⁵	2	3	5	0	0.4	1	0	4	20.0	0.2	
Chamber of Deputies	191	11	202	11	16.1	133	14	66	62.4	22.2	
Total	871	202	1,256	17	100.0	599	109	565	47.1	100.0	

1 Only bills that have a committee report published in the *Gaceta Parlamentaria*.

2 Includes bills that have received a favorable report but have not yet been voted on the floor, and bills that have been suspended.

3 Total includes two bills to repeal reservations to ratified treaties, both rejected.

4 Total includes 22 requests for authorization to travel outside the country (21 approved and 1 rejected) and 159 treaties (147 approved, 5 rejected, and 8 pending).

5 Deputies who introduced bills directly in the Senate.

Table 11. Bills Considered in the Chamber of Deputies, 59th Legislature, Cumulative (September 1, 2003, through December 31, 2004)

Sponsor	Bills Introduced				Total	Bill Resolution				
	New Bills (from the 59th)			Archived Bills (from before the 59th) ¹		Approved	Rejected/ Negative Report	Pending ²	% Approved	% of Total Approved
	Laws	Constitutional Reforms	Total							
Deputy-PRI	256	71	327	28.9	25	60	19	273	17.0	20.2
Deputy-PAN	133	56	189	16.7	32	38	18	165	17.2	12.8
Deputy-PRD	97	48	145	12.8	28	29	14	130	16.8	9.8
Deputy-PVEM	102	9	111	9.8	5	15	6	95	12.9	5.1
Deputy-PT	21	7	28	2.5	1	4	4	21	13.8	1.3
Deputy-Convergencia	28	9	37	3.3	2	2	1	36	5.1	0.7
Deputies in coalition	28	9	37	3.3	19	22	9	25	39.3	7.4
Committees	8	1	9	0.8	0	3	0	6	33.3	1.0
Executive ³	31	3	43	3.8	4	34	2	11	72.3	11.4
State Legislatures	46	25	71	6.3	5	7	7	62	9.2	2.4
Senator	36	1	37	3.3	4	21	6	14	51.2	7.1
Senate	95	4	99	8.7	17	62	2	52	53.4	20.9
Total	881	243	1,133	100.0	142	297	88	890	23.3	100.0

¹ Only bills that have a committee report published in the *Gaceta Parlamentaria*.

² Includes bills that have received a favorable report but have not yet been voted on the floor, and bills that have been suspended.

³ Total includes 9 requests for authorization to travel outside the country, all of which were approved.

Conclusion

During the fall 2004 term, the Senate continued its steady productive pace, establishing itself firmly as the most prolific Senate ever. The Chamber of Deputies, despite remarkable partisan acrimony and unstable legislative coalitions, managed both to introduce and approve a record number of bills. The question is whether or not the high levels of productivity will continue as the presidential election nears. One could argue that the incentives for cooperation among the parties will decrease as they struggle for advantage in the electoral arena. However, it is also likely that the parties in Congress will want to demonstrate to the public their legislative production. It remains unlikely that the most controversial reforms will be approved during the second half of the 59th Legislature (the increase in the VAT, the partial privatization of the electrical energy sector, a fundamental constitutional restructuring, and perhaps the labor reform). However, the Congress will likely approve other important structural reforms, especially those that manage to remain outside the political spotlight. It is also safe to assume that subsequent terms of the 59th Legislature will break the records of productivity set in fall 2004.

About the Author

JEFFREY A. WELDON is a professor of political science at the Instituto Tecnológico Autónomo de México (ITAM), where he is director of the undergraduate program in political science. During the 2003–2004 academic year, he was a visiting fellow at the Center for U.S.-Mexican Studies at the University of California, San Diego (UCSD). He has been an adjunct fellow at CSIS since 2001. He is a founding member of the Mexican Parliamentary Studies Association (AMEP), and is currently its academic secretary. He received a B.A. in political science from the University of Washington and an M.A. in the same discipline from UCSD. His most recent publications include “Politics in Mexico,” coauthored with Wayne A. Cornelius, in *Comparative Politics Today*, edited by Gabriel A. Almond et al., 8th edition (Longman, forthcoming); “State Reform in Mexico: Progress and Prospects,” in *Mexican Governance: From Single-Party Rule to Divided Government*, edited by Armand Peschard-Sverdrup and Sara R. Rioff (CSIS, 2005); and “Changing Patterns of Executive-Legislative Relations in Mexico,” in *Dilemmas of Political Change in Mexico*, edited by Kevin J. Middlebrook (Center for U.S.-Mexican Studies, UCSD, 2004). His current research deals with party discipline and coalitions in the Chamber of Deputies.