

# THE SPRING 2002 TERM OF THE MEXICAN CONGRESS

Author  
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MEXICAN CONGRESSIONAL REPORT SERIES



March 2003



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# Contents

|   |    |
|---|----|
| The Senate in the Spring 2002 Term  | 2  |
| The Chamber of Deputies in the Spring 2002 Term   | 6  |
| The Spring 2002 Term in Comparative Perspective   | 9  |
| Cumulative Productivity of the 58th Legislature through<br>April 30, 2002               | 15 |
| Appendixes  |    |
| Appendix 1: Amendments to the Federal Electoral<br>Code on the Gender of Candidates     | 21 |
| Appendix 2: Amendments to the Retirement Savings<br>Accounts System Law                 | 23 |
| Appendix 3: Federal Law for Transparency and Access<br>to Public Government Information | 25 |
| About the Author  | 27 |



# The Spring 2002 Term of the Mexican Congress

*Jeffrey A. Weldon*

The spring session of the second year of the 58th Legislature in Mexico, in comparison with most recent years, was more productive than average. Although there were a few major negative incidents, the strained relationship between the executive and legislative branches did not lead to complete paralysis on executive legislation.

The spring term in the Mexican Congress is very short, running from March 15 through April 30, for a total of six and a half weeks. Considering that little gets done in any legislative term in the first month, plus the fact that the Easter week vacation eliminates at least half a week of floor sessions, there is usually only two or three weeks of debate on bills in the spring session. Thirteen bills have been introduced to lengthen the spring term from the current 47 days.<sup>1</sup> All but one of the proposals calls for a spring term of at least three months, and the more recent bills propose between four and five and a half months. Regardless of its short length, and despite the criticism from the press and the private sector that Congress was unproductive during the spring 2002 term, a statistical analysis of bills introduced and approved demonstrates that the Mexican Congress was more productive than average. This was accomplished in spite of all of the fierce rhetoric inside and outside of the chambers.

The statistical analysis that follows is based on databases created by the author of all bills introduced in the Senate for the 58th Legislature (2000 to the present) and for the Chamber of Deputies for the 54th through 58th Legislatures (1988 to the present).<sup>2</sup> The information is from the *Diario de los Debates and the Gaceta Parlamentaria* of each chamber.<sup>3</sup> All of the information is available online.

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1. For details on these proposals, see Jeffrey A. Weldon and Claudia Y. Carmona, "Presentan diputados más iniciativas," *Reforma* (Mexico City), October 18, 2002.

2. The data for the 1988–2000 period was collected by María del Carmen Nava Polina and Jorge Yáñez López under the direction of Jeffrey A. Weldon. The data for the current legislature has been collected by the author. He is grateful for the research assistance provided by Claudia Y. Carmona at Instituto Tecnológico Autónomo de México (ITAM).

## The Senate in the Spring 2002 Term

A total of 99 bills were introduced in the Senate before and during the spring term of 2002. Of these, 76 were regular bills, and 23 were international treaties, agreements, protocols, and the like. The statistics include bills presented in the winter recess, which began on January 2 and ended on March 15, when the regular legislative term began. During recesses, the Permanent Committee<sup>4</sup> of Congress meets once a week, usually on Wednesdays, to debate whatever is in the news that week and also to receive bills and resolutions that have been introduced to either of the chambers and assign them to the reporting committees. In Mexico, the senators and deputies, the president, and the state legislatures have the power to introduce bills and resolutions in Congress. Usually the president waits until the regular sessions to present bills on legislation, but he frequently sends treaties just before a term begins, so it is the Permanent Committee that assigns these international agreements to committees. During the winter break, 5 legislative bills were introduced (3 from senators and 2 from state legislatures<sup>5</sup>), and the president sent 22 treaties or international agreements.

During the winter recess and the spring term, 62 bills to modify or create statutory legislation were introduced, along with 6 proposals to modify the Constitution. In addition, the executive presented 8 bills to authorize the president to leave the country on foreign visits (see table 1). This authorization is required under article 88 of the Constitution and was inspired by the problems that Mexico had faced in the nineteenth century when presidents sometimes absented themselves from the country on a temporary exile only to return later, creating a situation in which there were two presidents. The legislative intent behind this article is not to increase congressional control over foreign policy, although recently this has become a major component of the decisions. In the past five years, there have been a number of proposals to eliminate this requirement or only require congressional approval for trips longer than a week or a month.<sup>6</sup>

When treaties are included, the president introduced over 37 percent of the legislation that arrived in the Senate during the spring term. Eight bills approved by the Chamber of Deputies, which had been introduced by deputies in the lower chamber, also made their way to the Senate.<sup>7</sup> Senators introduced over 53 percent of the legislation. This represents an increase in the proportion of bills presented by

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3. The *Diario de los Debates* is the record of the debates. Usually the preliminary transcripts are used because the formal record is not published for weeks or months. The *Gacetas* are periodicals published by each chamber in which floor agendas, committee reports, bills, and communications are printed. Additionally, in the case of the *Gaceta* of the Chamber of Deputies, notifications of committee meetings are published, which are very useful for lobbyists.

4. The Permanent Committee is made up of 19 deputies and 18 senators who are elected by their respective chambers on the last day of the previous regular session.

5. State legislatures often send a bulk of their bills to Congress during the recesses, because frequently when the legislatures are in session, the federal Congress is not.

6. In the latter case, only trips abroad for treatment of a grave illness would be likely, so the authorization to travel would likely be granted along with the necessary leave of absence from the office itself.

legislators in the upper chamber. Until late in the fall term of 2001, the president had introduced an overwhelming proportion of bills in the Senate, and the senators had been relatively inactive.<sup>8</sup> Then, beginning in late November 2001, the Institutional Revolutionary Party (PRI) senators began to introduce legislation to put the constitutional reform on indigenous rights into statutory law. At the same time, other senators began to present bills, and the legislators took a more active role in legislation.

**Table 1: Bills Introduced in the Senate, January 2–April 30, 2002**

| Sponsor               | Laws      | Constitutional Reforms | Treaties  | Total     | Percent of Total |
|-----------------------|-----------|------------------------|-----------|-----------|------------------|
| Senator-PRI           | 20        | 1                      | 0         | 21        | 21.2             |
| Senator-PAN           | 13        | 3                      | 0         | 16        | 16.2             |
| Senator-PRD           | 2         | 0                      | 0         | 2         | 2.0              |
| Senator-PVEM          | 8         | 1                      | 0         | 9         | 9.1              |
| Senators in coalition | 2         | 1                      | 0         | 3         | 3.0              |
| Committees            | 1         | 0                      | 0         | 1         | 1.0              |
| Executive*            | 6         | 0                      | 23        | 37        | 37.4             |
| Chamber of Deputies   | 8         | 0                      | 0         | 8         | 8.1              |
| State Legislatures    | 2         | 0                      | 0         | 2         | 2.0              |
| <b>Total</b>          | <b>62</b> | <b>6</b>               | <b>23</b> | <b>99</b> | <b>100.0</b>     |

\* Total includes 8 requests for authorization to travel outside the country.

As has been the case during the whole 58th Legislature, the PRI senators introduced more bills in the Senate during the spring term—a total of 21, including one constitutional reform. There are 60 senators from the PRI in the Senate, out of a total of 128, so this predominance is not surprising. The National Action Party (PAN) presented a total of 16 bills in the upper chamber (there are 46 *panista* senators). The parliamentary group that is proportionally most active in the Senate has

7. If the president introduces a bill in the Chamber of Deputies, and it is approved and forwarded to the Senate, it is classified as an executive bill, not as a Chamber of Deputies bill. Therefore, the total on the Chamber of Deputies line does not reflect the number of bills that were approved and forwarded to the Senate by that chamber, but only those bills that had been originally introduced by deputies. The same rule will apply below to legislation presented by the executive in the Senate and approved and sent to the lower chamber.

8. Jeffrey A. Weldon, “¿Cámara alta en cámara lenta?” *Reforma* (Mexico City), June 19, 2001; and Jeffrey A. Weldon and Claudia Y. Carmona, “Una Cámara sin propuesta,” *Reforma* (Mexico City), November 27, 2001.

been the Partido Verde Ecologista de México (PVEM)—the Mexican Green Party—which introduced 9 bills in the spring term, although there are only 5 Green senators. The Greens have been productive in introducing bills during the entire legislature.

If treaties are excluded from the analysis, the president introduced over 18 percent of all of the regular legislation in the Senate during the spring term, whereas the senators presented over 68 percent of all of the bills. Of course, 8 of the 14 bills introduced by the president were to request authorization to travel, so the president was responsible for relatively few pieces of legislation introduced. All 6 of these bills had been originally introduced in the lower chamber and had been approved there and sent to the Senate. Following are the executive bills introduced in the Senate during the spring term:

- Amendments to the Civil Prize Law, to abolish the National Journalism Prize;
- The Federal Law for Transparency and Access to Public Government Information;
- Decree to establish characteristics of a silver coin, as required by the Monetary Law of Mexico;
- Amendments to the Retirement Savings System Law (*Afores*);
- Amendments to the organic laws of the national development banks;
- Science and Technology Law, and amendments to the Organic Law of the National Council of Science and Technology (Conacyt).

The amendments to the National Prize Law abolished the National Journalism Prize. The federal government had granted this rather Orwellian award to (frequently loyal) journalists to celebrate the freedom of the press. Now the prize will be awarded by a committee of journalists. The federal transparency law is a major piece of legislation that will create a system of freedom of information for Mexican citizens. The amendment to the law dealing with individual retirement accounts is particularly important, as it opens up the system, allowing for greater flexibility in investments. This was part of the fiscal reform package that had been introduced by President Vicente Fox a year earlier. The amendments to the laws that govern the national development banks were also a part of the fiscal reform. (The Rural Development Bank was originally included in the bill, but there was consensus between the executive and legislative branches that further study and deeper reforms were required for this bank). The Science and Technology Law, another major piece of legislation, increases the coordination of scientific and technological information among ministries and makes more transparent the system of research grants.

In the spring term of 2002, the Senate approved 28 bills, including 7 treaties (see table 2). Eight bills from the executive branch were approved, for a total of 15, including the treaties. Therefore, over 54 percent of the legislation approved had originated in the executive branch. If treaties are excluded, 38 percent of all bills approved in the Senate had originally been introduced by the president. Senators had introduced 6 of the bills that were approved, and 7 of the approved bills had originally been introduced by deputies in the lower chamber.

Three bills (all from members of the Senate) received favorable reports in committee but were not voted on by the floor by the end of the 58th Legislature. The relative success of the Greens—2 bills approved, 1 additional bill with a favorable report—was an early indication of the new working coalition in Congress between the PRI and the PVEM. Together in the Senate the two parties have a one-seat majority (65 out of 128).

**Table 2: Resolution of Bills in the Senate, March 15–April 30, 2002**

| Sponsor               | Approved  | Favorable Report* | Rejected | Unfavorable Report** |
|-----------------------|-----------|-------------------|----------|----------------------|
| Senator-PRI           | 2         | 2                 | 0        | 0                    |
| Senator-PAN           | 1         | 0                 | 0        | 1                    |
| Senator-PRD           | 1         | 0                 | 0        | 0                    |
| Senator-PVEM          | 2         | 1                 | 0        | 1                    |
| Senators in coalition | 0         | 0                 | 0        | 0                    |
| Committee             | 0         | 0                 | 0        | 0                    |
| Executive***          | 15        | 0                 | 1        | 1                    |
| Chamber of Deputies   | 7         | 0                 | 0        | 0                    |
| State Legislatures    | 0         | 0                 | 0        | 0                    |
| <b>Total</b>          | <b>28</b> | <b>3</b>          | <b>1</b> | <b>3</b>             |

\* Bills that received a favorable report in committee but were not voted on the floor during the term.

\*\* Bills that received an unfavorable report in committee but were not voted on the floor during the term.

\*\*\* Includes 7 treaties approved.

Three bills received a negative report from the Energy and Constitution Committees. These were constitutional amendments to open up the electricity sector to private investment. Currently, the generation, transmission, and distribution of electricity is a state monopoly, according to the Constitution, though some private investment has been encouraged through special legal decrees by Presidents Ernesto Zedillo and Fox. The three bills that were killed by the committees were a bill presented by Zedillo in 1999 in the 57th Legislature, a bill introduced by the PAN in the 58th Legislature, and another from the current legislature presented by the PVEM. Subsequently, the Fox administration introduced 5 bills in the summer recess (August 21, 2002) with the new proposals for opening up the electricity sector.

The Senate in the 58th Legislature rejected 1 bill, but it created a storm. Fox had requested permission to make a working visit to Calgary, Vancouver, Seattle, and San Francisco between April 15 and 18. The main goals were to promote increased trade and foreign investment. At the same time, senators from the PRI, PVEM, and

the Democratic Revolutionary Party (PRD) were angry with the Fox administration for the souring of the Mexico–Cuba relationship (including Fox’s pressuring of Castro to leave a summit in Monterrey before the arrival of President Bush, and the upcoming vote in the UN on human rights in Cuba). Therefore, on April 9, the Senate committees reported a bill to permit the travel to Canada and the United States, but on the floor the opposition parties proceeded to vote down the proposal (41 in favor, 71 against). Rather than sending the bill back to committee, the floor decided to kill the authorization completely. Fox had to cancel the trip, which caused major inconveniences in the countries he had planned to visit only a week later and incalculable losses in trade and investment. Fox appeared on national television that night to explain the reasons for the cancelled trip and to criticize the Senate for its intransigence. Public opinion polls gave more credit to the president, as his approval rating increased several points over the next few weeks.

## The Chamber of Deputies in the Spring 2002 Term

During the winter recess and the regular spring term of Congress in 2002, 205 bills were introduced in the Chamber of Deputies. Of these, 65 were constitutional amendments, 137 were legal reforms or new laws, and 3 were requests for authorization for the president to leave the country. Thirty-three bills were presented during the winter recess and the remaining during the regular term. As is common, 5 of the 33 bills introduced during the recess were proposed by state legislatures.

The pattern of bill introduction is very different between the two chambers. In the Chamber of Deputies, the president introduced only 7 bills during the spring term, accounting for only 3.4 percent of the total (see table 3). Of these, 4 were regular bills, and 3 were travel authorizations (a 4<sup>th</sup> authorization would have arrived had the Senate not killed the bill). All 4 regular bills were sent to the Chamber of Deputies as the first chamber. The following 4 executive bills were introduced in the Chamber of Deputies during the spring term:

- Organic Law of the Federal Attorney General’s Office;
- Decree to authorize a fifth commemorative coin for the Fifth Centennial of the Encounter of the Two Worlds, as required by the Monetary Law of Mexico;
- Decree to establish the characteristics of 32 bimetallic coins to commemorate the union of the states in the Mexican Republic, as required by the Monetary Law of Mexico;
- Amendments to the 5th transitional article of the 2001 amendments to the Social Security Law.

The deputies introduced 177 bills during the winter break and spring term, which account for an overwhelming 86.3 percent of the total. This continues a trend of dominance of the deputies in the lower chamber that began in the 57th Legislature (1997–2000). The deputies presented 63 bills to reform the Constitution in this period, of which many were part of the comprehensive state reform. Each of the three parties introduced bills to reform the executive, legislative, and judicial

branches, generally with the intent of clarifying the relationship between the branches of government. The PRI and the PRD each introduced 42 bills, while the PAN presented 39 bills. The Greens introduced 17 bills, and each of the four smaller parties introduced at least 1 bill. In addition, 22 bills were introduced by sponsors representing two or more parties.

**Table 3: Bills Introduced in the Chamber of Deputies, January 2–April 30, 2002**

| Sponsor               | Laws       | Constitutional Reforms | Total      | Percent      |
|-----------------------|------------|------------------------|------------|--------------|
| Deputy-PRI            | 24         | 18                     | 42         | 20.5         |
| Deputy-PAN            | 26         | 13                     | 39         | 19.0         |
| Deputy-PRD            | 28         | 14                     | 42         | 20.5         |
| Deputy-PVEM           | 13         | 4                      | 17         | 8.3          |
| Deputy-PT             | 4          | 1                      | 5          | 2.4          |
| Deputy-CDPPN          | 1          | 1                      | 2          | 1.0          |
| Deputy-PAS            | 0          | 1                      | 1          | 0.5          |
| Deputy-PSN            | 1          | 1                      | 2          | 1.0          |
| Deputy-Independents   | 1          | 2                      | 3          | 1.5          |
| Deputies in coalition | 14         | 8                      | 22         | 10.7         |
| Committee             | 2          | 0                      | 2          | 1.0          |
| Executive*            | 4          | 0                      | 7          | 3.4          |
| Senate                | 5          | 0                      | 5          | 2.4          |
| Senators**            | 9          | 0                      | 9          | 4.4          |
| State Legislatures    | 5          | 2                      | 7          | 3.4          |
| <b>Total</b>          | <b>137</b> | <b>65</b>              | <b>205</b> | <b>100.0</b> |

\* Total includes three requests for authorization to travel outside the country.

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

The Senate approved and forwarded five bills to the Chamber of Deputies in the spring term, representing only 2.4 percent of the total. Also, senators introduced 9 revenue bills in the lower chamber. The Constitution requires that all revenue bills originate in the Chamber of Deputies, but to prevent the disfranchisement of senators, parliamentary practice allows senators to present such bills in the Senate, which then forwards the bills to the lower chamber for formal introduction and

referral to committee. The introduction of revenue bills by senators has become ever more frequent during the course of the 58th Legislature.

During the spring 2002 term, the Chamber of Deputies approved 20 bills (see table 4). Of these, 9 were bills that had been introduced by the president, 4 were bills that had been approved and forwarded to the lower house by the Senate, and the remaining 7 bills had been introduced by deputies.

**Table 4: Resolution of Bills in the Chamber of Deputies, March 15–April 30, 2002**

| Iniciador             | Approved  | Rejected  |
|-----------------------|-----------|-----------|
| Deputy-PRI            | 1         | 3         |
| Deputy-PAN            | 2         | 5         |
| Deputy-PRD            | 2         | 4         |
| Deputy-PVEM           | 1         | 2         |
| Deputy-PT             | 0         | 4         |
| Deputy-CDPPN          | 0         | 0         |
| Deputy-PAS            | 0         | 0         |
| Deputy-PSN            | 0         | 0         |
| Deputy-Independents   | 0         | 0         |
| Deputies in coalition | 1         | 2         |
| Committee             | 0         | 0         |
| Executive             | 9         | 0         |
| Senate                | 4         | 1         |
| Senators              | 0         | 0         |
| State Legislatures    | 0         | 3         |
| <b>Total</b>          | <b>20</b> | <b>24</b> |

Furthermore, the Chamber of Deputies rejected 1 bill and returned it to the upper chamber. At the beginning of the 58th Legislature, the PAN introduced a bill in the Chamber of Deputies to modify the Federal Public Servant Accountability Law, to clarify impeachment procedures and to change the names of the legislative committees in the law to reflect the new names of the corresponding committees in the lower chamber. This bill was approved by the end of December 2000. The Senate, however, made significant modifications to the bill, returning it to the Chamber of Deputies. The deputies in April 2002 rejected those modifications, sending the bill back to the upper chamber.<sup>9</sup>

Furthermore, the Chamber of Deputies rejected 23 additional bills, many from previous legislatures. These bills were fairly evenly distributed among the different parties, demonstrating no particular bias. The chambers periodically remove old bills from their archives to formally reject them (this requires a negative report that is endorsed by a voice vote on the floor). Often they are bills made moot by other legislation. Other times, the proposed legislation is deemed to be inopportune or merely unsound. Nonetheless, these 23 dead bills made only a very tiny dent in the total of bills lacking committee reports. It should be noted here that when a legislature ends, all of the unresolved legislation remains in the files of the reporting committees, and that legislation can be and often is revived during subsequent legislatures. This creates huge backlogs of work for committees.

## The Spring 2002 Term in Comparative Perspective

There were frequent complaints in the press that the spring term of 2002 was unusually unproductive. Some of these attacks were apparently sponsored by private sector groups that were upset with the results of the fiscal reform package that was eventually approved on January 1, 2002. Regardless of the quality of the legislation approved in the spring term, quantitatively it was one of the most productive short sessions. The current format of short spring terms dates back to 1995. Before that year there were a few longer summer terms, and before that there was a single four-month term from September through December.

Table 5 presents the number of bills introduced in each spring term between 1995 and 2002, broken down into laws (which include decrees to authorize travel and constitutional reforms).<sup>10</sup> The table is divided by legislature, then by the corresponding spring term in each year of that legislature.<sup>11</sup> It should be noted that the president in the years 1995 to 2000 was Ernesto Zedillo of the PRI, and in 2001 and 2002 it was Vicente Fox of the PAN. The PRI held 60 percent of the seats in the Chamber of Deputies in the 56th Legislature, corresponding to the years 1995 through 1997. Therefore, there was unified government in those years. In the 57th Legislature, the PRI held only 48 percent of the seats, so Zedillo lacked a majority in the lower chamber. In the 58th Legislature, both the PAN and the PRI have about 42 percent of the seats, so divided government has continued.

In the 2002 spring term and winter recess, 205 bills were introduced in the Chamber of Deputies. Among the previous seven terms, the year with the greatest number of bills introduced was 1999, when 133 bills were presented in the lower chamber. The 2002 figure is 81 percent higher than that of 1999. In the years when the PRI controlled the lower chamber (1995 through 1997), an average of 38 bills

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9. As of October 2002, the Senate had not yet acted on the legislation. It is rare that bills reach the second chamber a second time, the maximum number possible according to the Constitution.

10. Decrees to allow Mexican citizens to accept foreign decorations or medals or to serve foreign governments—usually in embassies or consulates or as honorary consuls—are excluded from all of the analyses. These decrees are required by article 37 of the Constitution.

11. Data from before 1998 is lacking for the Senate, so no similar analysis has yet been attempted.

Table 5: Introduction of Bills in the Spring Terms, 1995–2002

| Legislature &<br>Dates of Spring<br>Terms |                              | Sponsors     | Laws      | Constitutional<br>Reforms | Total        | Percent      |
|---|------------------------------|--------------|-----------|---------------------------|--------------|--------------|
| 56  | January 1–<br>April 30, 1995 | Deputies     | 16        | 7                         | 23           | 57.5         |
|   |                              | Executive    | 14        | 1                         | 15           | 37.5         |
|   |                              | Senate       | 0         | 0                         | 0            | 0.0          |
|   |                              | State Leg.   | 2         | 0                         | 2            | 5.0          |
|   |                              | <b>Total</b> | <b>32</b> | <b>8</b>                  | <b>40</b>    | <b>100.0</b> |
|   | January 1–<br>April 30, 1996 | Deputies     | 10        | 12                        | 22           | 66.7         |
|   |                              | Executive    | 10        | 1                         | 11           | 33.3         |
|   |                              | Senate       | 0         | 0                         | 0            | 0.0          |
|   |                              | State Leg.   | 0         | 0                         | 0            | 0.0          |
|   |                              | <b>Total</b> | <b>20</b> | <b>13</b>                 | <b>33</b>    | <b>100.0</b> |
|   | January 1–<br>April 30, 1997 | Deputies     | 28        | 6                         | 34           | 81.0         |
|   |                              | Executive    | 8         | 0                         | 8            | 19.0         |
| Senate                                    |                              | 0            | 0         | 0                         | 0.0          |              |
| State Leg.                                |                              | 0            | 0         | 0                         | 0.0          |              |
| <b>Total</b>                              |                              | <b>36</b>    | <b>6</b>  | <b>42</b>                 | <b>100.0</b> |              |
| 57  | January 1–<br>April 30, 1998 | Deputies     | 39        | 32                        | 71           | 86.6         |
|   |                              | Executive    | 9         | 0                         | 9            | 11.0         |
|   |                              | Senate       | 1         | 0                         | 1            | 1.2          |
|   |                              | State Leg.   | 1         | 0                         | 1            | 1.2          |
|   |                              | <b>Total</b> | <b>50</b> | <b>32</b>                 | <b>82</b>    | <b>100.0</b> |
|   | January 1–<br>April 30, 1999 | Deputies     | 71        | 20                        | 91           | 80.5         |
|   |                              | Executive    | 11        | 1                         | 12           | 10.6         |
|   |                              | Senate       | 3         | 3                         | 6            | 5.3          |
|   |                              | State Leg.   | 2         | 2                         | 4            | 3.5          |
|   |                              | <b>Total</b> | <b>87</b> | <b>26</b>                 | <b>113</b>   | <b>100.0</b> |
|   | January 1–<br>April 30, 2000 | Deputies     | 55        | 25                        | 80           | 83.3         |
|   |                              | Executive    | 3         | 0                         | 3            | 3.1          |
| Senate                                    |                              | 8            | 2         | 10                        | 10.4         |              |
| State Leg.                                |                              | 1            | 2         | 3                         | 3.1          |              |
| <b>Total</b>                              |                              | <b>67</b>    | <b>29</b> | <b>96</b>                 | <b>100.0</b> |              |

Table 5: Introduction of Bills in the Spring Terms, 1995–2002 (*continued*)

|    | Legislature &<br>Dates of Spring<br>Terms | Sponsors     | Laws       | Constitutional<br>Reforms | Total      | Percent      |
|----|---|--------------|------------|---------------------------|------------|--------------|
| 58 | January 1–<br>April 30, 2001              | Deputies     | 40         | 16                        | 56         | 66.7         |
|    |   | Executive    | 18         | 2                         | 20         | 23.8         |
|    |   | Senate       | 3          | 0                         | 3          | 3.6          |
|    |   | Senators     | 1          | 0                         | 1          | 1.2          |
|    |   | State Leg.   | 2          | 2                         | 4          | 4.8          |
|    |   | <b>Total</b> | <b>64</b>  | <b>20</b>                 | <b>84</b>  | <b>100.0</b> |
|    | January 2–<br>April 30, 2002*             | Deputies     | 114        | 63                        | 177        | 86.3         |
|    |   | Executive    | 7          | 0                         | 7          | 3.4          |
|    |   | Senate       | 5          | 0                         | 5          | 2.4          |
|    |   | Senators     | 9          | 0                         | 9          | 4.4          |
|    |   | State Leg.   | 5          | 2                         | 7          | 3.4          |
|    |   | <b>Total</b> | <b>140</b> | <b>65</b>                 | <b>205</b> | <b>100.0</b> |

\* The winter recess began on January 2 because the autumn term did not end until January 1, 2002.

were introduced in the spring session. About 30 percent of these bills originated in the executive branch (34 total bills in the spring terms). During the 57th Legislature, when no party controlled the lower chamber, on average, 97 bills were introduced in the spring term. This follows a general pattern of greater bill sponsorship in the 57th Legislature. The president began to participate less in relative terms in the 57th Legislature as well, introducing only 25 percent of the bills (24 total bills in the spring sessions).

In comparison, President Fox has participated relatively more frequently in the first two spring sessions of the 58th Legislature, having presented 27 bills so far. However, this represents only 9 percent of the 289 bills that have been introduced in the two sessions. In the 2001 spring term, 84 bills were introduced, more or less following the same pattern as the previous three years, continuing the pattern of divided government. The major difference was the increased activity of the executive branch. Many of the 20 bills introduced in the 2001 spring term were different bills relating to the fiscal reform package.<sup>12</sup>

It is the 2002 spring term that stands out, with an increase of 144 percent over the number of bills introduced in the 2001 session. Furthermore, the number of proposals for constitutional amendments is particularly high, the 65 bills in 2002

12. It should be noted that the number of bills in that package has inflated as the Chamber of Deputies has decided to divide some of the bills and approve separately different parts of what were originally whole bills. The number reflects the eventual number of bills, not the exact number introduced at the time.

more than double that of any other spring session. Again, this reflects a major push forward in the state reform agenda.

In five of the eight spring sessions, the deputies have introduced at least 80 percent of the bills. In many respects, this reflects the idea that if the agenda of the fall term is generally controlled by the president via his budget package, the spring term allows greater access for the deputies. The main difference in 2002 is the decreased participation of the president in the introduction of bills, at least in relative terms. In every other year except for 2000, the president had introduced at least 10 percent of the bills in the spring term. But in 2000 and 2002, the executive branch was responsible for only 3.1 and 3.4 percent of the bills, respectively. The 2000 result is explained by the election year. The opposition parties in particular began to introduce many bills as a form of position taking. Some of these bills were approved, many were not, and very few of those approved were eventually approved by the PRI-controlled Senate. The bills were only meant to establish party platforms. (An interesting example is the Rural Development Law, which was passed by the opposition parties in the Chamber of Deputies in April 2000, delayed in the PRI-controlled Senate, then approved by the new opposition parties—including the PRI, but with the PAN now voting against—in the fall 2000 session. This was position taking in the beginning and in the end. Fox vetoed the bill, and a PRI-Fox compromise bill was eventually approved in 2001.)

Table 6 present the number of bills approved and rejected in the eight short spring terms since 1995. In this case, there are two totals provided for each year. One is the total number of bills approved, and the other is the total number of favorable committee reports approved. The latter is what the deputies actually vote on from the floor. Frequently, a committee report includes several bills. Typically one or more bills receives a positive report, usually all are amended to a common text. Sometimes other bills receive negative reports in the same report (therefore, an affirmative vote on the floor passes the bills with the favorable resolutions and simultaneously rejects the bills with the negative recommendations). The total amount of new legislation is better recorded in the number of reports approved, because sometimes as many as a half-dozen bills get the nod in a single report. In the 2002 spring term, 20 bills and 18 committee reports were approved. This compares favorably with the spring terms of the 56th Legislature (1995 through 1997), when on average 13.3 bills were approved per term and 13 committee reports were passed. The 1998 spring term followed fairly closely the results of the 56th Legislature (13 bills and 10 committee reports). However, the number of bills approved in 1999 increased to 41, included in 31 committee reports. The 2000 election year frenzy saw 56 bills approved in 43 committee reports (although many of these bills remain in the Senate freezer to this day). In 2001, 28 bills were approved, 8 more than in 2002, but those bills appeared in only 21 committee reports, much closer to the 18 reports in the 2002 spring term.

Table 6: Resolution of Bills in the Spring Terms, 1995–2002

|              | Legislature &<br>Dates of<br>Spring Term | Sponsors     | Approved  | Rejected  | Total     | Reports<br>Approved* |
|--------------|--|--------------|-----------|-----------|-----------|----------------------|
| 56           | March 15–<br>April 30, 1995              | Deputies     | 3         | 0         | 3         |                      |
|              |  | Executive    | 13        | 0         | 13        |                      |
|              |  | Senate       | 0         | 0         | 0         |                      |
|              |  | State Leg.   | 0         | 0         | 0         |                      |
|              |  | <b>Total</b> | <b>16</b> | <b>0</b>  | <b>16</b> | <b>16</b>            |
|              | March 15–<br>April 30, 1996              | Deputies     | 0         | 0         | 0         |                      |
|              |  | Executive    | 14        | 0         | 14        |                      |
|              |  | Senate       | 0         | 0         | 0         |                      |
|              |  | State Leg.   | 0         | 0         | 0         |                      |
|              |  | <b>Total</b> | <b>14</b> | <b>0</b>  | <b>14</b> | <b>13</b>            |
|              | March 15–<br>April 30, 1997              | Deputies     | 2         | 4         | 6         |                      |
|              |  | Executive    | 8         | 0         | 8         |                      |
| Senate       |  | 0            | 0         | 0         |           |                      |
| State Leg.   |  | 0            | 0         | 0         |           |                      |
| <b>Total</b> |  | <b>10</b>    | <b>4</b>  | <b>14</b> | <b>10</b> |                      |
| 57           | March 15–<br>April 30, 1998              | Deputies     | 7         | 1         | 8         |                      |
|              |  | Executive    | 5         | 0         | 5         |                      |
|              |  | Senate       | 1         | 0         | 1         |                      |
|              |  | State Leg.   | 0         | 0         | 0         |                      |
|              |  | <b>Total</b> | <b>13</b> | <b>1</b>  | <b>14</b> | <b>10</b>            |
|              | March 15–<br>April 30, 1999              | Deputies     | 22        | 5         | 27        |                      |
|              |  | Executive    | 14        | 0         | 14        |                      |
|              |  | Senate       | 4         | 2         | 6         |                      |
|              |  | State Leg.   | 1         | 0         | 1         |                      |
|              |  | <b>Total</b> | <b>41</b> | <b>7</b>  | <b>48</b> | <b>31</b>            |
|              | March 15–<br>April 30, 2000              | Deputies     | 40        | 10        | 50        |                      |
|              |  | Executive    | 5         | 0         | 5         |                      |
| Senate       |  | 11           | 0         | 11        |           |                      |
| State Leg.   |  | 0            | 0         | 0         |           |                      |
| <b>Total</b> |  | <b>56</b>    | <b>10</b> | <b>66</b> | <b>43</b> |                      |

Table 6: Resolution of Bills in the Spring Terms, 1995–2002 (*continued*)

|    | Legislature &<br>Dates of<br>Spring Term | Sponsors     | Approved  | Rejected  | Total     | Reports<br>Approved* |
|----|--|--------------|-----------|-----------|-----------|----------------------|
| 58 | March 15–<br>April 30, 2001              | Deputies     | 12        | 0         | 12        |                      |
|    |  | Executive    | 13        | 0         | 13        |                      |
|    |  | Senate       | 1         | 0         | 1         |                      |
|    |  | State Leg.   | 2         | 0         | 2         |                      |
|    |  | <b>Total</b> | <b>28</b> | <b>0</b>  | <b>28</b> |                      |
|    | March 15–<br>April 30, 2002              | Deputies     | 7         | 20        | 27        |                      |
|    |  | Executive    | 9         | 0         | 9         |                      |
|    |  | Senate       | 4         | 1         | 5         |                      |
|    |  | State Leg.   | 0         | 3         | 3         |                      |
|    |  | <b>Total</b> | <b>20</b> | <b>24</b> | <b>44</b> |                      |

\* Committee reports approved on the floor. Often several bills are included in a single committee report.

The executive had originally sponsored 35 of the 40 bills that were approved during the 56th Legislature. In fact, in 1996, the executive had introduced all 14 bills that were approved. In the 57th Legislature, the pattern began to shift. In 1998, the president had introduced 5 of the 13 bills that were approved (38.5 percent).<sup>13</sup> In 1999, the executive had sponsored 14 of the 41 bills approved (down to 34.1 percent). In the election year of 2000, only 5 executive bills were approved out of the total of 56 approved bills (only 8.9 percent of the total). The deputies had taken control of the agenda and of the paternity of most legislation approved. It should be noted that this was the first legislature since 1928 in which a majority of the legislation approved had not originated in the executive branch.

The precursor of the PRI was formed in 1929, and one of the principal effects of this event, which led to unified government until September 1997, was a huge increase in the success rate of presidential bills. Another was the takeover by the executive of the paternity of an absolute majority of the bills approved by Congress (in some legislatures in the 1950s, nearly all approved bills had originated in the presidency).

The pattern has evened out somewhat in the 58th Legislature, in part due to a more active executive and in part due to the legislative branch learning how to negotiate results in the era of divided government. (This conclusion is very different from most analyses, which tend to perceive a near total divorce between the two branches of government.) In the 2001 term, 13 of the 28 approved bills had origi-

13. It is not possible to compare committee reports by sponsor because often a committee rules favorably on bills from the executive and from deputies in the same report. All would be recorded as approved bills, and each would get credit, but the committee report is a collective good.

nated in the executive (46.4 percent), and the deputies were responsible for only 12 bills that were approved in that term. In 2002, Fox had sponsored 9 of the 20 approved bills (45 percent). The deputies had been responsible for only 7 bills (35 percent).

If the 2002 spring term was not as productive as most in approving legislation, it certainly was more productive than any other in rejecting legislation. For what it is worth, 24 bills were disapproved in the spring 2002 term; in the prior seven spring sessions a grand total of 22 bills had been rejected.

## **Cumulative Productivity of the 58th Legislature through April 30, 2002**

This section will examine the total amount of legislative activity in each chamber through the end of the spring 2002 term of the 58th Legislature. In the Senate a total of 366 bills were introduced between September 1, 2000, and April 30, 2002 (see table 7). Of these, 128 were sponsored by the president—35 percent of the total. The senators introduced 190 bills, which accounted for 52 percent of all of the bills in the Senate. The party that presented the most bills in the upper chamber, by far, was the PRI, with 76 bills—20.8 percent of the total. Incredibly, the five senators from the PVEM put the Green party in second place, with 40 bills, or just under 11 percent. The PAN followed with 39 bills, then the PRD with 20. The Chamber of Deputies forwarded 46 bills to the Senate that had been authored originally by legislators in the lower chamber, a figure higher than any individual senate delegation except for the PRI.

The preceding count includes 72 treaties, which inflates the total significantly. If these are excluded, and only regular bills, constitutional amendments, and travel authorizations are considered, the executive was responsible for 19.4 percent of the total number of pieces of legislation, and the senators introduced 64.6 percent. This ratio is much closer to that found in the Chamber of Deputies.

Thirteen bills from previous legislatures were discussed in the Senate during the first four terms of the 58th Legislature, 2 from the executive (including Zedillo's reform for the electrical energy sector) and 11 from the Chamber of Deputies (many from April 2000). These bills are included in the total in the center of table 7.

**Table 7: Bills Considered in the Senate, 58th Legislature, Cumulative (September 1, 2000, through April 30, 2002)**

| Sponsor               | Bills Introduced          |                        |            |              |  | Bill Resolution |            |                          |               |                  |
|-----------------------|---------------------------|------------------------|------------|--------------|--|-----------------|------------|--------------------------|---------------|------------------|
|                       | New Bills (from the 58th) |                        |            |              | Archived-Bills (from before the 58th)* | Total           | Approved   | Rejected/Negative Report | Unre-solved** | Percent Approved |
|                       | Laws                      | Constitutional Reforms | Total      | Percent      |  |                 |            |                          |               |                  |
| Senator-PRI           | 63                        | 13                     | 76         | 20.8         | 0                                      | 76              | 12         | 2                        | 62            | 15.8             |
| Senator-PAN           | 29                        | 10                     | 39         | 10.7         | 0                                      | 39              | 2          | 1                        | 36            | 5.1              |
| Senator-PRD           | 12                        | 8                      | 20         | 5.5          | 0                                      | 20              | 2          | 4                        | 14            | 10.0             |
| Senator-PVEM          | 31                        | 9                      | 40         | 10.9         | 0                                      | 40              | 2          | 2                        | 36            | 5.0              |
| Senators in coalition | 9                         | 4                      | 13         | 3.6          | 0                                      | 13              | 3          | 1                        | 9             | 23.1             |
| Committee             | 2                         | 0                      | 2          | 0.5          | 0                                      | 2               | 1          | 0                        | 1             | 50.0             |
| Executive***          | 39                        | 1                      | 128        | 35.0         | 2                                      | 130             | 101        | 2                        | 27            | 77.7             |
| Chamber of Deputies   | 45                        | 1                      | 46         | 12.6         | 11                                     | 57              | 43         | 5                        | 9             | 75.4             |
| State Legislatures    | 2                         | 0                      | 2          | 0.5          | 0                                      | 2               | 0          | 0                        | 2             | 0.0              |
| <b>Total</b>          | <b>232</b>                | <b>46</b>              | <b>366</b> | <b>100.0</b> | <b>13</b>                              | <b>379</b>      | <b>166</b> | <b>17</b>                | <b>196</b>    | <b>43.8</b>      |

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

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

\*\*\* Includes 16 requests for authorization to travel outside the country, as well as 72 treaties, of which, 54 have been approved.

The Senate approved 166 bills by April 30, 2002, including 54 treaties. The president introduced 60.8 percent of all of the legislation passed by the Senate. Senators sponsored only 13.3 percent of the total number of bills approved. In comparison, 25.9 percent of all of the approved bills had been originally sponsored by deputies in the lower house. If the treaties are excluded, 42.0 percent of all of the bills approved had originated in the executive branch, 38.4 percent in the Chamber of Deputies, and still only 7.6 percent from the senators. Incredibly, the participation of the senators in the approved legislation of the upper chamber has increased dramatically. For much of the first year of the 58th Legislature, the number of bills sponsored by senators and approved by the Senate was minimal. The Senate was much more reactive—reviewing bills from the executive and the Chamber of Deputies—than proactive. This pattern has slowly changed, and the upper chamber is now beginning to sponsor and approve its own legislation.

By April 30, 2002, 77.7 percent of all of the legislation sent by the executive had been approved. If treaties are excluded, 47 of the 58 executive bills considered had been approved—a success rate of 81.0 percent. The Senate approved 11.6 percent of the bills that had been sponsored by senators, a low percentage. It had also approved 75.4 percent of the bills that had been originally sponsored by deputies in the lower chamber.

The Senate rejected 3 bills outright. Two had originated in the Chamber of Deputies: one was a bill to regulate ecotourism, and the other would have amended the National Shield, Flag, and Anthem Law to modify the order of colors in the presidential sash. The other bill rejected on the floor was a comprehensive amendment to the Electoral Code to restrict small parties, sponsored—ironically enough—by the PVEM. An additional 14 bills received negative reports in committee, but these had not yet been voted on the floor.

Compared to the Senate, the Chamber of Deputies has been much more productive (see table 8). Between September 1, 2000, and April 30, 2002, 648 bills were introduced in the lower chamber. The president sponsored 58 of these bills, representing 9.0 percent of the total. The deputies introduced 493 bills—or 76.1 percent of the total. Just under 5 percent of the bills were sponsored by the Senate.<sup>14</sup> A surprising 4.3 percent of all bills were introduced in the Chamber of Deputies by senators who had to forward their revenue bills to the lower chamber. The party that introduced the most bills was the PRD, with 127—nearly 1 out of every 5 bills presented in the lower chamber. The PRI and PAN were close behind with 109 and 101 bills respectively.

By the end of the spring term of 2002, the Chamber of Deputies had approved 156 bills. Of these, 51 were sponsored by the president, representing 32.7 percent of the total number of approved bills. The deputies sponsored 73 of the approved bills, which accounts for 46.8 percent of the total. Therefore, the pattern of executive dominance of approved legislation, broken for the first time in nearly seven decades in the 57th Legislature, has not recovered. However, unlike the last legislature, when

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14. Many of these were bills were returned to the Chamber of Deputies by the Senate, so that the lower chamber was considering them for a second time. In the author's database, this modifies the sponsorship of the bills from deputy or executive bills to Senate bills.

the deputies sponsored a majority of the approved legislation, they are now only responsible for a large plurality of the approved bills. Nearly 15 percent of the bills approved in the Chamber of Deputies were originally sponsored by senators (either in the Senate as chamber of origin, or as revenue bills originating in the Chamber of Deputies). Also, 5.8 percent of the approved legislation had been sponsored by state legislatures, by far the largest percentage in history.

The party with the greatest success rate in the lower chamber was the PAN, with 21 bills approved, accounting for over 18 percent of the legislation introduced by that party. This continues a pattern from the recent past in which the party of the president does relatively better in getting its legislation approved, regardless of the size of the party in the chamber. About 9.4 percent of the PRD's bills were approved by the end of April 2002. The PVEM and the Labor Party (PT) also had at least 9 percent of their bills approved by the end of the spring term. Nine bills sponsored by the PRI were approved, accounting for 7.7 percent of the total number of bills sponsored by that party. The PRI has had one or two more deputies than the PAN in the Chamber of Deputies during the 58th Legislature, but its legislative success rate is much lower.<sup>15</sup>

By April 30, 2002, 87.9 percent of the president's legislation had been approved. This is a remarkably high figure, comparable to Zedillo's success rate during the 57th Legislature (1997–2000). However, Zedillo could count on at least 48 percent of the lower chamber, whereas Fox has under 42 percent. In quantitative terms, at least, the idea that the Fox administration has been a legislative failure is a myth. Certainly not everything that the president has sent to the lower chamber has been approved, and parts of the fiscal reform in particular were mangled by the deputies. Furthermore, nearly every single piece of legislation sent by the executive has been amended either in committee or on the floor of the chamber of origin.<sup>16</sup> In conclusion, the Congress has not abdicated its responsibilities in reviewing executive bills, but it has not blocked them either.

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15. The number of deputies in each parliamentary group has varied over the course of the legislature because of party switchers and leaves of absence.

16. One bill that escaped amendment merely repealed an article of a law (which is, of course, technically difficult to amend). This was the law that abolished the National Journalism Prize. Another example is apparently the new Export and Import Tax Law, which simply combined into a single law the old Export Tax Law and the Import Tax Law.

**Table 8: Bills Considered in the Chamber of Deputies 58th Legislature, Cumulative (September 1, 2000, through April 30, 2002)**

| Sponsor               | Bill Introduced           |                        |            |              | Bill Resolution                        |            |                          |              |                  |
|-----------------------|---------------------------|------------------------|------------|--------------|--|------------|--------------------------|--------------|------------------|
|                       | New Bills (from the 58th) |                        |            |              | Archived-Bills (from before the 58th)* |            |                          |              |                  |
|                       | Laws                      | Constitutional Reforms | Total      | Percent      | Total                                  | Approved   | Rejected/Negative Report | Unresolved** | Percent Approved |
| Deputy-PRI            | 70                        | 39                     | 109        | 16.8         | 8                                      | 9          | 9                        | 99           | 7.7              |
| Deputy-PAN            | 74                        | 27                     | 101        | 15.6         | 14                                     | 21         | 13                       | 82           | 18.3             |
| Deputy-PRD            | 83                        | 44                     | 127        | 19.6         | 11                                     | 13         | 9                        | 116          | 9.4              |
| Deputy-PVEM           | 36                        | 12                     | 48         | 7.4          | 5                                      | 5          | 7                        | 41           | 9.4              |
| Deputy-PT             | 13                        | 6                      | 19         | 2.9          | 3                                      | 2          | 5                        | 15           | 9.1              |
| Deputy-CDPPN          | 2                         | 2                      | 4          | 0.6          | 0                                      | 0          | 0                        | 4            | 0.0              |
| Deputy-PAS            | 1                         | 1                      | 2          | 0.3          | 0                                      | 0          | 0                        | 2            | 0.0              |
| Deputy-PSN            | 2                         | 1                      | 3          | 0.5          | 0                                      | 0          | 0                        | 3            | 0.0              |
| Deputy-Independent    | 1                         | 2                      | 3          | 0.5          | 0                                      | 0          | 0                        | 3            | 0.0              |
| Deputies in coalition | 48                        | 14                     | 62         | 9.6          | 5                                      | 12         | 5                        | 50           | 17.9             |
| Committee             | 14                        | 1                      | 15         | 2.3          | 0                                      | 11         | 0                        | 4            | 73.3             |
| Executive***          | 46                        | 2                      | 58         | 9.0          | 0                                      | 51         | 0                        | 7            | 87.9             |
| Senate                | 29                        | 2                      | 31         | 4.8          | 2                                      | 17         | 1                        | 15           | 51.5             |
| Senator               | 26                        | 2                      | 28         | 4.3          | 1                                      | 6          | 1                        | 22           | 20.7             |
| State Legislatures    | 27                        | 11                     | 38         | 5.9          | 1                                      | 9          | 3                        | 27           | 23.1             |
| <b>Total</b>          | <b>472</b>                | <b>166</b>             | <b>648</b> | <b>100.0</b> | <b>50</b>                              | <b>156</b> | <b>53</b>                | <b>489</b>   | <b>22.3</b>      |

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

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

\*\*\* Total includes 10 requests for authorization to travel outside the country.



# Amendments to the Federal Electoral Code on the Gender of Candidates

Introduced in the Chamber of Deputies by Dep. Hortensia Aragón Castillo (PRD), November 9, 2000.

Reported with amendments by the Gender and Equity Committee and the Interior Committee on April 29, 2002.

Approved with amendments on the floor of the Chamber of Deputies on April 30, 2002, by a vote of 403 in favor, 7 against, and 12 abstentions. Sent to the Senate.

Presented in the Senate April 30, 2002.

Reported without amendments by the Interior Committee and the Legislative Studies Committee on April 30, 2002.

Approved without amendment on the floor of the Senate on April 30, 2002, by a vote of 81 in favor and 0 against. Sent to the executive for publication.

Published in the *Diario Oficial de la Federación* on June 24, 2002.

This bill is the first electoral reform at the federal level since October 1996. It requires that all parties nominate no more than 70 percent of the 300 single-member district candidates from the same gender and no more than 70 percent of the 200 proportional-representation list deputies from the same gender. The same requirement holds for the 64 candidates for senator in each state and for the 32 list senators. In the case of the lists, of every three candidates in order in the list, no more than two can be of the same gender.

An amendment from the floor provides that the gender rules are exempted in the case of single-member district candidates who were directly elected in primaries (evidently open or closed primaries). The PRI will elect some of its deputies by primaries in the 2000 election, so the total proportion of women might be lower. The PAN will use district conventions, so the gender restrictions will apply.

In most cases, this will increase the representation of women in Congress. It is not likely, however, that the number of women will reach 30 percent, because many will be nominated in districts with lower probabilities of victory. Nonetheless, about 30 percent of the 200 list deputies will be women.

This bill was approved by the Senate by fast track, in a few hours on the last day of the spring session.

# Amendments to the Retirement Savings Accounts System Law

Introduced in the Chamber of Deputies by the Federal Executive, April 5, 2001. The parties in Congress had introduced seven other bills between April 15, 2001, and April 2, 2002, that were reported along with the president's bill.

Reported with amendments by the Finance Committee and the Social Security Committee on April 10, 2002.

Approved with amendments on the floor of the Chamber of Deputies on April 24, 2002, by a vote of 285 in favor, 76 against, and 11 abstentions. Sent to the Senate.

Received in the Senate April 29, 2002.

Reported without amendment by the Health and Social Security Committee, the Labor Committee, the Finance Committee, the Retirees and Pensioners Committee, and the Legislative Studies Committee on September 26, 2002 (in the fall session).

Approved without amendments on the floor of the Senate on October 8, 2002, by a vote of 73 in favor, 16 against, and 3 abstentions. Sent to the executive for publication.

Published in the *Diario Oficial de la Federación* on December 10, 2002.

This bill, approved by the Chamber of Deputies in the spring session of 2002 and by the Senate in the fall session of the same year, is a major reform of the retirement savings accounts system, nearly a complete overhaul of the original law. This bill was the result of a long series of negotiations among labor (particularly the labor sectors of the PRI) and business interests and the Finance Ministry.

The bill makes the retirement accounts (Afores) system more efficient in part by increasing the competition among Afore administrators and by creating greater flexibility in the investments allowed by the administrators. It also makes the system more transparent by requiring the administrators to provide greater information to the workers.

Most important for the labor sectors, it increases the financial security of the workers. It allows workers to make complementary investments into their Afores for retirement and opens up the system for voluntary investments toward the housing fund. It would allow self-employed workers, who are currently not covered by the social security system, to open their own Afores. State-employed workers, who are covered by the ISSSTE system, can invest some of their retirement savings in an Afore. Furthermore, the administrators of Afores can provide more comprehensive pension plans, tailored to the interests and means of the sector.

# Federal Law for Transparency and Access to Public Government Information

Introduced in the Chamber of Deputies by (a) Deputy Luis Miguel Barbosa Huerta (PRD), July 11, 2001, (b) the Federal Executive, December 4, 2001, and (c) Deputy Beatriz Paredes Rangel (PRI, on behalf of deputies from the PRI, PRD, PT and CD), December 6, 2001.

Reported with amendments by the Interior and Public Security Committee.

Approved with amendments on the floor of the Chamber of Deputies on April 24, 2002, by a vote of 411 in favor and 0 against. Sent to the Senate.

Received in the Senate April 25, 2002.

Reported without amendment by the Interior Committee and the Legislative Studies Committee.

Approved without amendments on the floor of the Senate on April 30, 2002, by a vote of 86 in favor and 0 against. Sent to the executive for publication.

Published in the *Diario Oficial de la Federación* on June 11, 2002.

This law is the culmination of a series of seminars across the country—organized separately by the executive branch and by the opposition parties—that sought a consensus on what type of information should be made public and under what circumstances. Furthermore, there was a great deal of debate in these seminars, reflected in the different proposals, on how the Institute for Access to Public Information should be structured, and whether it should report to the executive or legislative branches or be an autonomous agency. Although the law is certainly related to the state reform agenda, it has not been considered an integral part of the state reform project, mostly because it did not require constitutional reforms.

This new law creates a right for individuals to have access to public information. All government agencies in the executive branch must make available information on their internal structure, services offered, budget allocations, resolutions of audits,

and concessions and contracts granted. All of this information should be made public via Internet. Furthermore, the financial reports of the political parties should be made public after the process of fiscalization is completed in the Federal Electoral Institute.

At the same time it guarantees the privacy of personal data that is collected by the government. The agencies should also not make public information that could jeopardize national security or public security, interfere with international negotiations, or damage financial, economic, or monetary stability. Nor should information be made public that could put in danger the safety of any person or interfere in judicial proceedings.

Classified information should be made public after 12 years. Personal data must be strictly protected by government agencies, which must also guarantee that the information collected is exact and current.

Each federal agency must create an office for public information, which will process requests for information. A committee in each agency oversees the public information office (the committee includes the head of the information office, a delegate appointed by the director of the agency, and a delegate from the internal auditor of the agency).

A new agency is created to monitor all federal government information, the Federal Institute for Access to Public Information. The institute is headed by five commissioners, appointed by the president and confirmed by the Senate. The commissioners will serve seven-year terms, without the possibility of reappointment. This agency is charged with providing general guidelines for the classification of information, coordinating with the national archives for the storage of information, and informing other federal agencies when they fail to follow the law. Most importantly, the institute will resolve disputes between citizens and other agencies regarding the access to information.

# About the Author

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