

THE SPRING 2003 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
Telephone: (202) 887-0200
Fax: (202) 775-3199
E-mail: books@csis.org
Web site: <http://www.csis.org/>

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The Spring 2003 Term of the Mexican Congress

Jeffrey A. Weldon

The spring session of the third and last year of the 58th Legislature was the most productive spring session on record. Through 2003 there have been nine short spring sessions, and this last was by far most productive in quantitative terms than any of the previous eight years.

The spring terms begin on March 15 and end on April 30, and last only 47 days. Since the Holy Week vacations inevitably fall at some point during the term, the effective number of legislative days is really less than six weeks. There have been numerous proposals to lengthen the spring term. On December 14, 2002, the Chamber of Deputies approved an amendment to article 65 of the Constitution, which would start the spring term on February 1, allowing for an 87-day term.¹ The Senate did not act on the bill, however, and the spring 2003 term began on schedule on March 15. As of November 2003, the Senate has still not approved the amendment.²

The statistical analysis that follows is based on databases, created by the author, of all of the bills introduced in the Senate for the 58th Legislature (2000–2003) and for the Chamber of Deputies for the 54th through 58th Legislatures (1988–2003).³ The information is from the *Diario de los Debates* and the *Gaceta Parlamentaria* of each of the two chambers. All of the information in original format is available online.⁴

1. The support for the bill was less than overwhelming. There were 339 votes in favor, 75 against, and 22 abstentions. Constitutional amendments almost always attract greater support.

2. Among the state reform proposals, this is perhaps the most likely to be approved.

3. The data for the 1988–2000 period was collected by María del Carmen Nava Polina and Jorge Yáñez López, under the direction of the author. The data for the current legislature has been collected by the author. He is grateful for the research assistance provided by Claudia Y. Carmona and Maira González of the Political Science Department at ITAM.

4. The *Diario de los Debates* is the record of the debates. Often the preliminary transcripts are consulted until the *Diarios* are published. 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.cddhcu.gob.mx/> for the Chamber of Deputies, and <http://www.senado.gob/gaceta>. The *Gaceta* of the Chamber of Deputies is published on every weekday, and the *Gaceta* of the Senate is published on the days that the upper chamber is in session.

The Senate in the Spring 2003 Term

A total of 130 bills were introduced in the Senate between January 1 and April 30, 2003 (see table 1). Of these, 28 were constitutional amendments, and 88 proposed new laws or amended existing legislation. The president submitted 12 treaties to the upper chamber. Furthermore, two bills called for the repeal of reservations on treaties that the Senate had already approved. During the winter 2003 recess, seven bills were introduced during the weekly sessions of the Permanent Committee of Congress, including four constitutional reforms and three legal reforms.⁵ Usually, the president submits treaties and other international agreements to the Permanent Committee, which then forwards them to the Senate during the congressional recesses, but this was not the case in the winter of 2003. As is often the case, state legislatures introduced legislation during the recess, this time the states of Puebla and Sonora.

Table 1. Bills Introduced in the Senate, January 1 through April 30, 2003

Sponsor	Laws	Constitutional Reforms	Treaties	Total	Percent of Total
Senator-PRI	22	10	0	32	24.6
Senator-PAN	13	3	0	16	12.3
Senator-PRD*	6	11	0	19	14.6
Senator-PVEM	5	1	0	6	4.6
Senators in coalition	3	1	0	4	3.1
Executive	6	0	12	18	13.8
Chamber of Deputies	31	2	0	33	25.4
State Legislatures	2	0	0	2	1.5
Total	88	28	12	130	100.0

* Total includes two bills to repeal reservations to ratified treaties.

One of the recess bills was particularly important. Introduced by Senator Adrián Alanís Quiñones (Institutional Revolutionary Party), the bill reforms article 37 of the Constitution to make permanent the possibility of former Mexican nationals who had become citizens of other countries to apply for dual nationality. (The Constitution distinguishes between nationality and citizenship.) The original constitutional reform was published in 1997, and placed a five-year deadline on applications to reapply for Mexican nationality. The Senate approved the bill in

5. 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 regular session.

March 2003 during the spring term, and the Chamber of Deputies followed suit in November of the same year (during the 59th Legislature).⁶

During the regular spring 2003 term, 123 bills were introduced in the Senate. This represents 18.3 percent of all of the bills introduced in the upper chamber through April 30, 2003. There were 472 calendar days during regular sessions in the 58th Legislature, almost 10 percent in each spring term. Therefore, with over 18 percent of the bills introduced in 10 percent of the legislative days, the spring term was more active than average.⁷

Of the 130 bills introduced between January 1 and April 30, 2003, the senators presented 77, over 59 percent of the total. As had been the case during most of the 58th Legislature, the Institutional Revolutionary Party (PRI) senators introduced by far the most bills, 32, representing nearly a quarter of all the bills presented during the term. Of these bills, 10 made statutory modifications that reflected the constitutional reforms for indigenous rights approved in 2001. These indigenous rights bills represented a very large part of the PRI's legislative program and a significant proportion of all of the legislation approved by the Senate in the 58th Legislature. The Democratic Revolutionary Party (PRD) introduced a total of 19 bills, representing 14.6 percent of the total, and the National Action Party (PAN) senators presented 16 bills, over 12 percent of the total. The five-member Green Party (PVEM) delegation introduced 6 bills.

The federal executive introduced no regular bills in the spring 2003 term in the Senate. However, six bills that the president had sent to the Chamber of Deputies were forwarded to the Senate after having been approved by the lower chamber. The president also submitted 12 treaties or international agreements. Together, these measures represent 13.8 percent of the legislation introduced in the Senate between January 1 and April 30. If treaties are excluded, the six bills account for only 5 percent of the total regular legislation, which is low compared to other spring terms. Following are the six bills from the executive branch that were introduced in the Senate during the spring 2003 term:

- General Public Property Law (*Bienes Nacionales*);
- Federal Law to Prevent and Eliminate Discrimination;
- Law of Promotions and Commendations of the Mexican Army and Air Force;
- Amendments to the Federal Consumer Protection Law;
- Amendments to the Public Sector Procurements Law and the Public Works Law;
- Amendments to decree that amended the Federal Civil Code, the Federal Civil Procedures Code, the Commerce Code, and the Federal Consumer Protection Law.

6. The bill as approved does not reform article 37, but rather modifies the second transitional article of the 1997 reforms, which had placed the five-year limit on applications.

7. By far the most productive term with respect to bills introduced in the Senate was the fall 2002 term. See Jeffrey A. Weldon, *The Fall 2002 Term of the Mexican Congress*, Mexican Congressional Report Series (Washington, D.C.: CSIS, July 2003).

The General Public Property Law replaces legislation of the same name (*Bienes Nacionales*). It increases efficiency and transparency in the management of government property. The Federal Law to Prevent and Eliminate Discrimination is one of the most important pieces of legislation approved in the 58th Legislature. It legislates part of the indigenous rights constitutional reform that protects individual rights and prohibits discrimination.⁸ The bill guarantees the principle of equal opportunity. It prohibits all forms of discrimination based on ethnic or national origin, sex, age, disability, social or economic condition, health, pregnancy, language, religion, opinions, sexual preference, or marital status, and specifically outlaws xenophobia and anti-Semitism. It creates the National Council to Prevent Discrimination to receive complaints against discriminatory practices.

The Law of Promotions and Commendations of the Mexican Army and Air Force is one of several major structural reforms to the armed forces enacted by the Fox administration. It regulates the procedures of promotions within the army and the air force, creates a commission to evaluate promotions of superior officers and to make recommendations to the president, and structures an appeals process within the Defense Ministry for officers denied promotions. It also creates new military commendations, such as the Campaign against Narcotics Trafficking, and the Legion of Honor. Similar bills have been introduced for the Mexican Navy.

The reforms to the Federal Consumer Protection Law make the system more efficient and increase rights of consumers. The amendments to the Public Sector Procurements Law (*Ley de Adquisiciones*) increase efficiency and transparency in the acquisition of goods and services by the federal government, creating a decentralized Federal Contracting Commission. The bill creates an arbitration system between contractors and the government. The amendments to the Federal Civil Code, the Federal Civil Procedures Code, the Commerce Code, and the Federal Consumer Protection Law postpone the deadline for the creation of the Public Registry of Commerce.

Three of the treaties dealt with crime, two with taxes, and the others were concerned with defense, indigenous rights, education and culture, science and technology, tourism, and public health and labor. One of the agreements protected cultural monuments or objects during armed conflicts. An agreement between Mexico and Peru called for the protection, conservation, recovery, and return of archeological, artistic, historical, or cultural objects that had been stolen or illegally exported or transported between the two countries. The president submitted six multilateral agreements and six bilateral treaties (two with Peru, and one each with the United States, Poland, Armenia, and Indonesia). One of the agreements was related to the safety and health of agricultural workers, but a negative report from the federal Labor Ministry was attached. This is not the first time that a treaty has been submitted with negative recommendations from the Labor Ministry. The

8. The indigenous rights reform had two main sections, one concerned with discrimination and equal opportunity in general, the matter for this reform, and another that dealt with indigenous rights and opportunities. The enormous scope of the antidiscrimination section was virtually unnoticed in the storm over the indigenous rights debate.

other four have been rejected, because they violated Mexican labor legislation. This treaty is also likely to be rejected during the 59th Legislature.

The Chamber of Deputies sent 33 bills to the Senate, not including the six that had been introduced originally by the president. Two of the 33 bills were constitutional reforms. Deputies had introduced 24 of the bills that were approved and forwarded by the lower chamber, while the other nine bills had begun their legislative process in the Senate, and were returned by the Chamber of Deputies. Among the nine bills that the Chamber of Deputies returned, eight had modifications to which the upper chamber needed to consent, while the remaining bill (which would modify the Time Zone Law to fix anomalies in the Laguna region of Coahuila and Durango) had been rejected by the lower chamber. Among the 24 bills that the Chamber of Deputies had sent to the Senate that were originally authored by deputies are three new laws: the Federal Law for Persons with Disabilities, the General Cooperative Societies Law, and the Legal (Book) Deposit Law. The Chamber of Deputies also sent two constitutional amendments. One would regulate the presidential veto in article 72. It would allow for 30 days of consideration instead of 10. But if the president does not publish a law within 10 days of the expiration of the 30-day limit, the president of the chamber that sent him the bill would have the power to publish the law. The other would extend the length of the spring session, so that it would begin on February 1 instead of March 15.⁹

Table 2 demonstrates the great productivity of the Senate in the spring 2003 term. In all, 59 pieces of legislation were approved, including 12 treaties. Among the treaties, 11 of the 12 international agreements that had been submitted were approved. The accord dealing with safety and health in agriculture was not reported out of committee. However, a bilateral agreement with the United States, pending from the previous term, was approved.

In all, 15 pieces of executive legislation were approved: the 12 treaties mentioned above and 3 legal reforms. The three bills from the president that were approved are as follows:

- Federal Law to Prevent and Eliminate Discrimination;
- Amendments to decree that amended the Federal Civil Code, the Federal Civil Procedures Code, the Commerce Code, and the Federal Consumer Protection Law;
- Amendments to the General Public Health Law.

The first two bills, considered by the Senate as second chamber, were described above. The amendments to the General Public Health Law were introduced in the Senate during the fall 2002 term. It is a comprehensive reform that allows persons who are not affiliated through their employers with the Social Security System to pay premiums to individual insurance accounts that would give them and their families access to the public health system. The bill was approved by the Senate and forwarded to the Chamber of Deputies, where it was approved with amendments

9. Neither of the constitutional amendments was approved by the Senate during the 58th Legislature, but both are likely to see favorable action in the 59th. The veto bill is likely to be amended by the upper chamber because there are many proposals to regulate the veto.

and returned to the Senate. In the upper chamber, the amendments were approved on the last day of the spring term, and the bill was sent to the president for publication. This is one of the more important bills approved in the 58th Legislature.

Table 2. Resolution of Bills in the Senate, March 15 through April 30, 2003

Sponsor	Approved	Rejected
Senator-PRI	13	0
Senator-PAN	6	0
Senator-PRD	3	0
Senator-PVEM	1	0
Senators in coalition	3	0
Executive*	15	1
Chamber of Deputies	18	3
Total	59	4

* Includes 12 treaties approved.

The Senate approved 26 bills sponsored by senators. PRI senators sponsored half of the approved bills, while the PAN introduced 6, the PRD 3, and the PVEM 1. Three other bills, sponsored by coalitions of senators from different parties, were also approved. One of the most important pieces of legislation sponsored by senators was the General Social Development Law. This bill combined elements from two PRD bills and one PAN bill. The Social Development Ministry would finally have a regulatory base in statute beyond the Organic Law of the Federal Public Administration.¹⁰ Additionally, the Senate approved a PVEM bill that creates the Law for Civil Responsibility for Nuclear or Radioactive Damages. The Senate also approved the controversial Biosecurity Law for Genetically Modified Organisms. Furthermore, three of the PRI bills amended legislation to implement norms from the indigenous rights reform.

One of the more controversial bills to be approved amended the Federal Water Law. This PRI bill would make the National Water Commission (CNA) an autonomous decentralized body, removing it from the Environment and Natural Resources Ministry. However, the Constitution grants the executive branch the power to grant water concessions. This bill was subsequently approved by the Chamber of Deputies. At the beginning of the 59th Legislature, President Fox vetoed the bill, returning it to the Senate, arguing that the bill was unconstitutional. This was Fox's fifth veto.¹¹

10. The bill was reported with amendments by the Chamber of Deputies in November 2003, the first piece of major legislation to be reported during the 59th Legislature.

The Senate approved two constitutional amendments. One eliminated the limits to apply for renationalization (as described above). The other was a bill from the Chamber of Deputies that amends article 73 of the Constitution to allow the Congress to legislate on national security and article 89 to allow the president to protect national security. This bill will allow for the regulation of national security agencies, particularly the Centro de Investigación y Seguridad Nacional (CISEN).¹²

The Senate approved 10 bills originally sponsored by deputies in the lower chamber. Four of these amended the General Public Health Law. Among other bills from the lower chamber approved by the Senate were the Law for Civil Responsibility for Environmental Damage and Deterioration and amendments to the Commerce Code to regulate electronic signatures. The Senate also approved 8 bills that originated and were approved in the upper chamber, but were returned with modifications by the Chamber of Deputies. Among these were the Federal Civil Service Law and the Federal Copyright Law. Also, the Senate accepted the corrections by the Chamber of Deputies of two other indigenous rights bills.

Four bills were rejected by the Senate during the spring 2003 term. One was a bill from the executive that would amend the Organic Law of the Federal Tribunal for Fiscal and Administrative Justice. This bill had been part of the 2001 tax reform and had been approved by the Chamber of Deputies. The Senate also rejected two bills from the Chamber of Deputies that would regulate advertising of tobacco and alcohol and regulate psychotropic drugs. Furthermore, it returned a bill to the Chamber of Deputies that amended the Nationality Law, deciding to amend the Constitution to make permanent the program to permit former Mexican citizens to recover their nationality.

The Spring 2003 Term in Comparative Perspective: The Senate

Of the three spring terms of the 58th Legislature, the 2003 term was by far the most productive.¹³ In the spring of 2001, a total of 51 bills were introduced (see table 3). In 2002, the number of bills increased to 72, and in 2003, 118 bills were introduced. This last figure represents an increase of 64 percent over the previous year. It is common in the Mexican Congress for more bills than normal to be introduced in the spring terms of the third and final years, because the parties are taking positions

11. There were 17 points of observation in the veto message, with many arguments beyond the incompatibility of the autonomy of the CNA with article 27 of the Constitution.

12. In October 2003, after the ratification of the amendment by the states, the PRI introduced a bill in the Senate to create the National Security Law, the principal regulatory statute.

13. As the information becomes available and is processed, subsequent issues of the Mexican Congressional Report Series will give details of productivity in the Senate before the 58th Legislature.

on public policy before the July elections. However, it is impressive to see the same pattern occur among the senators, who were not replaced in the midterm elections.

Table 3. Introduction of Bills and Treaties in the Senate in the Spring Terms, 2001–2003

Legisla- ture	Dates of Spring Terms	Sponsors	Bills Introduced	Treaties Introduced	Total	Percent of Total
58	January 1– April 30, 2001	Senators	35	0	35	60.3
		Executive	10	7	17	29.3
		Chamber of Deputies	6	0	6	10.3
		Total	51	7	58	100.0
	January 1– April 30, 2002	Senators	52	0	52	54.7
		Executive	10	23	33	34.7
		Chamber of Deputies	8	0	8	8.4
		State Legislatures	2	0	2	2.1
		Total	72	23	95	100.0
	January 1– April 30, 2003	Senators	77	0	77	59.2
		Executive	6	12	18	13.8
		Chamber of Deputies	33	0	33	25.4
		State Legislatures	2	0	2	1.5
		Total	118	12	130	100.0

Furthermore, the ratio between bills sponsored by senators and the president has been increasing over the three years.¹⁴ In the spring 2001 term, senators presented 3.5 times more bills than the executive. In 2002, the ratio was more than 5 to 1. In 2003, the senators introduced 12.8 times the number of bills as the executive.

The number of bills approved in the Senate during the spring 2003 term was more than double the number from the previous two years (see table 4). In the spring 2001 term, 28 bills and treaties were approved. The same number of bills was approved in 2002. However, in 2003, a total of 59 bills were approved. Furthermore,

14. This is a good statistic because treaties are submitted more or less randomly during a legislature, and bills from the Chamber of Deputies respond to the rhythms of the lower chamber.

the percentage of approved bills originating in the executive branch has declined. For example, in 2001, more than two-thirds of the approved bills or treaties were introduced by the president. In 2002, the proportion of executive bills among the approved legislation declined to 57 percent. In 2003, the president was responsible for only a quarter of the approved legislation. With each passing year, the Senate and the Chamber of Deputies have become more similar.

Table 4. Resolution of Bills and Treaties in the Senate in the Spring Terms, 2001–2003

Legislature	Dates of Spring Terms	Sponsors	Bills Approved	Percent of Total	Reports Approved
58	March 15–April 30, 2001	Senators	3	10.7	
		Executive	19	67.9	
		Chamber of Deputies	6	21.4	
		Total	28	100.0	26
	March 15–April 30, 2002	Senators	5	17.9	
		Executive	16	57.1	
		Chamber of Deputies	7	25.0	
		Total	28	100.0	27
	March 15–April 30, 2003	Senators	26	44.1	
		Executive	15	25.4	
		Chamber of Deputies	18	30.5	
		Total	59	100.0	55

The Chamber of Deputies in the Spring 2003 Term

The Chamber of Deputies of the 58th Legislature closed with the most productive spring term in history. More bills were presented in spring 2003 than in any other spring term in the past nine years. Between January 1 and April 30, 2003, a total of 281 bills were introduced in the lower chamber (see table 5). During the winter recess, 41 bills were introduced in the Permanent Committee of Congress and forwarded to the Chamber of Deputies.¹⁵ State legislatures submitted 13 bills to the Chamber of Deputies during the recess, and the remaining 28 bills were sponsored

by deputies. A total of 240 bills were introduced during the regular spring term. Of these, 57 were constitutional reforms, and 224 enacted new laws or reformed existing legislation.

Table 5. Bills Introduced in the Chamber of Deputies, January 1 through April 30, 2003

Sponsor	Laws	Constitutional Reforms	Total	Percent of Total
Deputy-PRI	48	9	57	20.3
Deputy-PAN	44	9	53	18.9
Deputy-PRD	47	20	67	23.8
Deputy-PVEM	5	1	6	2.1
Deputy-PT	8	1	9	3.2
Deputy-PSN	1	1	2	0.7
Deputy-PAS	3	3	6	2.1
Deputy-CDPPN	0	0	0	0.0
Deputy-Independent	1	1	2	0.7
Deputies in coalition	22	3	25	8.9
Committees	6	0	6	2.1
Executive	2	0	2	0.7
Senate	24	1	25	8.9
Senators*	6	0	6	2.1
State Legislatures	7	8	15	5.3
Total	224	57	281	100.0

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

Of the 281 bills introduced in the Chamber of Deputies between January 1 and April 30, 2003, deputies introduced 233, representing nearly 83 percent of the total. The PRD deputies presented the greatest number of bills, 67, representing about 24 percent of the total number of bills introduced during the period. The PRI deputies introduced 57 bills and the PAN 53. Only two bills were introduced in the Chamber

15. One additional bill was introduced on December 27, 2002, technically within the winter recess, but these bills are counted in the fall 2002 term for purposes of the Mexican Congressional Report Series. Bills introduced in the last two weeks of December belong more often to the fall term because there are frequently special sessions during this period to finish legislation not approved during the regular term.

of Deputies during the spring 2003 term that had originated in the executive branch, representing less than 1 percent of the total legislation received. The executive bills are as follows:

- Law of Promotions and Commendations of the Mexican Army and Air Force;
- Amendments to the General Public Health Law.

Both bills are described in the Senate section above. The first bill originated in the Chamber of Deputies, while the second originated in the Senate.

State legislatures introduced 15 bills in the Chamber of Deputies during the spring 2003 term. Furthermore, senators forwarded 6 bills to the lower chamber that dealt with revenue legislation. The Constitution requires that all revenue and debt bills originate in the Chamber of Deputies, but it does not prohibit senators from introducing such legislation. The Congress deals with this contradiction by permitting senators to present the bills in the upper chamber, which then sends the bills to the lower chamber, where they are sent to committee.¹⁶

The Senate sent 25 bills to the Chamber of Deputies during the spring 2003 term: 1 constitutional reform and 24 bills to create or amend secondary legislation. The constitutional reform repealed the five-year limit on requests for renationalization. Furthermore, the Chamber of Deputies received three bills from the Senate that the lower chamber had approved and the upper chamber had rejected. One of these bills would have relaxed banking secrecy laws in criminal investigations. Another would amend the General Public Health Law to regulate advertising of tobacco and alcohol. The third was the amendment to the Nationality Law, which the Senate rejected when it reformed the Constitution instead. The Chamber of Deputies did not insist on any of these three bills.

During the spring 2003 term, the Chamber of Deputies approved a record number of bills for a spring term. Table 6 demonstrates that 58 bills were passed; of these, 38 were sponsored by deputies, representing nearly two-thirds of bills approved. The party with the greatest number of bills approved was the PAN, with 11 bills. It was followed by the PRI, with 8 bills, and the PRD with 5 bills passed. The three-member National Society Party (PSN) had one bill approved, the only bill of this party approved in the 58th Legislature; the party lost its registration in the July 2003 midterm elections. Among the noteworthy deputy-sponsored legislation approved in the spring of 2003 was the Legal Deposit Law, introduced by the PAN, which regulates the book depository system. A bill from the PAN and another from the PRI were combined to create the Federal Law for Persons with Disabilities. Also two bills, one each from the PAN and the PRD, were joined in a single committee report to require federal educational authorities to make public the school evaluations. Four bills were merged into the single committee report that modified article 72 of the Constitution to regulate the presidential veto. Furthermore, the Chamber of Deputies passed its own internal rule regarding transparency and access to congressional information.

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

Table 6. Resolution of Bills in the Chamber of Deputies, March 15 through April 30, 2003

Sponsor	Approved	Rejected
Deputy-PRI	8	6
Deputy-PAN*	11	6
Deputy-PRD	5	8
Deputy-PVEM	3	1
Deputy-PT	1	0
Deputy-PSN	1	0
Deputy-PAS	0	0
Deputy-CDPPN	0	0
Deputies in coalition	6	1
Committees	3	0
Executive	7	0
Senate	12	4
Senators**	0	0
State Legislatures	1	1
Total	58	27

* Rejected column includes two bills withdrawn by the sponsor on April 30, 2002.

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

Probably the most controversial piece of legislation approved in the Chamber of Deputies during the spring 2003 term was the amendment to article 77 of the Industrial Property Law, sponsored by the PVEM. The Industrial Property Law deals with intellectual property rights. This bill allows the Mexican Industrial Property Institute to allow certain pharmaceutical patents to be exploited as public utility when the General Public Health Commission¹⁷ declares serious illness to be a public health priority. In these cases, pharmaceutical companies can apply for licenses to produce these drugs and sell them with maximum gross royalties of 20 percent. The purpose of the bill is to allow Mexican pharmaceutical companies to produce certain generic chemotherapy and HIV/AIDS medications. It was widely argued that the law would violate international intellectual property agreements. The bill was watered down in committee and approved by a vote of 376 in favor, 0 against, and 4 abstentions. However, two subsequent floor amendments favorable to the generic drug industry were defeated.¹⁸ First, a PRD amendment was defeated by a vote of 98 in favor, 248 against, and 6 abstentions; then a critical PVEM

17. *Consejo de Salubridad General*.

amendment was voted down in a close roll call of 172 in favor, 177 against, and 9 abstentions.

Seven bills sponsored by the executive branch were approved during the spring 2003 term, as follows:

- General Public Property Law (*Bienes Nacionales*);
- Federal Law to Prevent and Eliminate Discrimination;
- Law of Promotions and Commendations of the Mexican Army and Air Force;
- Amendments to the Federal Consumer Protection Law;
- Amendments to decree that amended the Federal Civil Code, the Federal Civil Procedures Code, the Commerce Code, and the Federal Consumer Protection Law;
- Amendments to the General Public Health Law;
- Amendments to the General Credit Titles and Operations Law, the Commerce Code, the Credit Institutions Law, the Securities Market Law, the General Insurance Institutions Law, the Federal Bonding Institutions Law, and the General Credit Law.

The first six laws on the list have been described above. The credit bill increased certainty for both lenders and borrowers. It was one of the more significant pieces of legislation approved in the 58th Legislature, yet another of the important bills that received very little notice from the press.

Twelve bills from the Senate were also approved in the Chamber of Deputies during the spring 2003 term. Among the bills approved and sent to the executive for publication were the amendments to the National Water Law (later vetoed by the president), the General Waste Management Law,¹⁹ and amendments to the Civil Protection Law and the Environmental Protection Law. Four laws dealt with indigenous rights. The most important of these was the Law of the National Commission for the Development of Indigenous Peoples, which creates a new decentralized commission with administrative and budgetary autonomy. This commission replaces the National Indigenous Institute (INI), which had been more dependent on the executive branch and had been a source of corporatist practices in the past. The new commission has a consultative committee in which indigenous groups will have a voting majority. This bill was amended on the floor and sent back to the Senate. The Chamber of Deputies also approved two other important Senate bills, with amendments, and returned them to the upper chamber for final passage: the Federal Civil Service Law and the Federal Copyright Law.

Before Fox, no legislation had been vetoed since 1969.²⁰ This is not surprising because the PRI controlled both chambers of Congress through 1997, and conflict between branches was absent. In the 57th Legislature, Zedillo did not veto any leg-

18. In Mexican legislative practice, bills are first voted in general, and then floor amendments are discussed and voted. There is no vote for final passage with the approved amendments.

19. The name of the law in Spanish is *Ley General para la Prevención y Gestión Integral de Residuos*.

isolation either, but the PRI-controlled Senate “vetoed” some legislation that the Chamber of Deputies had approved by returning the bills to the lower chamber. However, Fox, facing opposition majorities in both chambers, vetoed four bills in the 58th Legislature and one bill at the beginning of the 59th. At the beginning of the spring 2003 term, he returned to Congress two bills that had been approved in December 2002. These were the third and fourth vetoes of the Fox administration.

President Fox vetoed the bill that reformed the Revenue Administration Service Law. This was an executive bill, part of the 2001 tax reform package, which had been reported with significant amendments. The president objected to the addition of an independent commissioner and two state finance ministers to the board of governors of the Revenue Administration Service.²¹ He argued that the Senate’s involvement in the selection of the independent commission was unconstitutional, as was the presence of state authorities in a federal agency. He also made a case that the independent commissioner should be subject to the Federal Law for the Accountability of Public Servants. The Chamber of Deputies accepted most of the observations in the president’s veto, eliminating the state financial officers and replacing the single independent commissioner with three independent commissioners selected by the president—two of whom were to be nominated in the Annual Meeting of Finance Ministers. Both chambers easily accepted the modifications.

The other veto was of the Law of the Social Security Institute of the Armed Forces. In this case, the executive argued that the pensions that the bill had authorized were too high and would negatively impact the federal budget. The Congress had proposed increases of one of the factors in the pension from 60 percent to 95 percent. Fox rejected the increases, preferring to maintain the factors at 60 percent. The Chamber of Deputies more or less split the difference, setting the factor at 75 percent. The modified veto observation was overwhelmingly approved by both chambers.

The Spring 2003 Term in Comparative Perspective: The Chamber of Deputies

The spring 2003 term broke records in terms of both the number of bills introduced and the number of bills approved for the Chamber of Deputies. There have been nine short spring terms, beginning in 1995. Before that there were longer terms in the late spring and early summer, and short, two-month fall terms. Before 1988, there was a single four-month fall term every year. The deputies have complained that the spring term is too short to get much work done. Nonetheless, despite the short time, and despite electoral pressures that should have prevented enough con-

20. See Eric Magar and Jeffrey A. Weldon, “The Paradox of the Veto in Mexico, 1917–2001,” paper presented at the 60th Annual National Meeting of the Midwest Political Science Association, Chicago, April 25–28, 2002.

21. The independent commissioner was to be elected by the Senate from a list of three candidates submitted by the president. The constitutional argument was that the Senate should not elect officers in the executive branch.

sensus to get much substantive work done, the Chamber of Deputies in the spring 2003 term was highly productive and closed out the legislature on a relatively high note.

Over the last nine years, there has been a steady increase in the number of bills introduced in the spring terms. This is due mostly to the increased pluralism in the chamber. In the 56th Legislature, the PRI held a strong 60 percent majority. In the 57th Legislature, the PRI lost its majority and held only 48 percent of the seats. This had major effects on the approval of executive bills, and it opened up the chamber to the creativity of the opposition parties, which together held a majority. In the 58th Legislature, the governing PAN held just above 41 percent of the seats, while the PRI controlled about 42 percent of the chamber. As can be seen in table 7, during the 56th Legislature, covering the springs of 1995 to 1997, on average 38.3 bills were introduced during the spring terms (including the preceding winter recesses). In the 57th Legislature, on average 96.3 bills were introduced during the spring terms of 1998 to 2000. This represents an increase of over 150 percent from the PRI-majority 56th to the divided 57th Legislature. During the three spring terms of the 58th Legislature, the mean number of bills increased to 190.7. This is an increase of 98 percent over the average during the 57th Legislature and nearly five times the average of the 56th Legislature. Clearly more divided chambers induce the deputies to present more initiatives.

There was also a dramatic increase in the number of bills introduced during the 58th Legislature. In the spring 2001, 85 bills were introduced, close to the average of the 57th. In the 2002 term, however, 206 bills were introduced, an increase of 142 percent over the previous year, and smashing the record set in 1999 (112 bills) for the number of bills introduced. The spring 2003 term, however, broke the 2002 record easily as 281 bills were introduced. This represents an increase of 36 percent over the 2002 figure.

The executive branch is definitely not responsible for the increase in the number of bills introduced during the spring terms of the 58th Legislature. In 2001, the president sent 22 bills (this number has been inflated somewhat as parts of the tax reform were subdivided by the Chamber of Deputies). In 2002, the executive sent only 7 bills to the Chamber of Deputies, and in 2003 the president sponsored only 2 bills in the lower chamber. Clearly the president has preferred to send bills to Congress during the fall terms and has increasingly left the Congress to its own devices during the spring terms. In the 56th Legislature, the president sponsored 29.6 percent of all of the bills introduced in the Chamber of Deputies during the spring terms. In the 57th Legislature, this figure dropped precipitously to 8.3 percent, while in the 58th it sunk to 5.4 percent. The total number of bills from the executive sent during the spring terms of each of the legislatures did not vary so much: 34, 24, and 31, respectively. Therefore, the difference is due mostly to the great increase in the number of bills presented by deputies.

The Chamber of Deputies also broke the record for the greatest number of bills approved during the spring 2003 term (see table 8). In the 56th Legislature, a mean number of 13.3 bills were approved during the spring terms. The number of bills passed in the spring terms increased steadily during the 57th Legislature, from 13 in 1998, to 40 in 1999, to 55 in 2000, the presidential election year. The average

Table 7. Introduction of Bills in the Chamber of Deputies in the Spring Terms, 1995–2003

Legislature	Dates of Spring Terms	Sponsors	Bills Introduced	Percent of Total
56	January 1–April 30, 1995	Deputies	23	57.5
		Executive	15	37.5
		State Leg.	2	5.0
		Total	40	100.0
	January 1–April 30, 1996	Deputies	22	66.7
		Executive	11	33.3
		Total	33	100.0
	January 1–April 30, 1997	Deputies	34	81.0
		Executive	8	19.0
		Total	42	100.0
57	January 1–April 30, 1998	Deputies	71	86.6
		Executive	9	11.0
		Senate	1	1.2
		State Leg.	1	1.2
		Total	82	100.0
	January 1–April 30, 1999	Deputies	90	80.4
		Executive	12	10.7
		Senate	5	4.5
		Senators	1	0.9
		State Leg.	4	3.6
		Total	112	100.0
	January 1–April 30, 2000	Deputies	80	84.2
		Executive	3	3.2
		Senate	9	9.5
		State Leg.	3	3.2
		Total	95	100.0

Table 7. Introduction of Bills in the Chamber of Deputies in the Spring Terms, 1995–2003 (*continued*)

58	January 1–April 30, 2001	Deputies	55	64.7
		Executive	22	25.9
		Senate	3	3.5
		Senators	1	1.2
		State Leg.	4	4.7
		Total	85	100.0
	January 1–April 30, 2002	Deputies	178	86.4
		Executive	7	3.4
		Senate	5	2.4
		Senators	9	4.4
		State Leg.	7	3.4
		Total	206	100.0
	January 1–April 30, 2003	Deputies	233	82.9
		Executive	2	0.7
		Senate	25	8.9
		Senators	6	2.1
		State Leg.	15	5.3
		Total	281	100.0

number of bills approved during the spring terms in the 57th Legislature was 36. In the 58th Legislature, the first two spring terms produced relatively little legislation: 27 bills in 2001 and 21 in 2002. However, in the spring term of 2003, 58 bills were approved, more than double the figures for the previous two years. The mean number of bills passed in the 58th Legislature during the spring terms was 35.3, slightly less than the average for the 57th. Nonetheless, the last spring term was the most productive ever.²²

The ratio of executive to legislative bills approved has varied greatly over the last nine years. In the 56th Legislature, a great proportion of the bills approved by the Chamber of Deputies originated in the executive branch—35 out of 40, or 87.5

22. The last column in table 8 shows the number of committee reports approved. This figure is a better comparison between years and legislatures, because often a relatively large number of bills are combined into a single committee report, ending up in a single law. For example, four bills were approved when the committee report on amendments to article 72 of the Constitution (regarding the veto) was approved. Three bills were included in a penal code reform in the spring 2003 term. In 2003, 46 committee reports were approved, one more than in the spring of 2000.

Table 8. Resolution of Bills in the Chamber of Deputies in the Spring Terms, 1995–2003

Legislature	Dates of Spring Terms	Sponsors	Bills Approved	Percent of Total	Reports Approved
56	March 15–April 30, 1995	Deputies	3	18.8	
		Executive	13	81.3	
		Total	16	100.0	16
	March 15–April 30, 1996	Deputies	0	0.0	
		Executive	14	100.0	
		Total	14	100.0	13
	March 15–April 30, 1997	Deputies	2	20.0	
		Executive	8	80.0	
		Total	10	100.0	10
57	March 15–April 30, 1998	Deputies	7	53.8	
		Executive	5	38.5	
		Senate	1	7.7	
		Total	13	100.0	10
	March 15–April 30, 1999	Deputies	22	55.0	
		Executive	14	35.0	
		Senate	3	7.5	
		State Leg.	1	2.5	
		Total	40	100.0	31
	March 15–April 30, 2000	Deputies	40	72.7	
		Executive	5	9.1	
		Senate	10	18.2	
		Total	55	100.0	45

Table 8. Resolution of Bills in the Chamber of Deputies in the Spring Terms, 1995–2003 (*continued*)

58	March 15–April 30, 2001	Deputies	12	40.7	
		Executive	13	48.1	
		Senate	1	3.7	
		State Leg.	2	7.4	
		Total	27	100.0	20
	March 15–April 30, 2002	Deputies	8	38.1	
		Executive	9	42.9	
		Senate	4	19.0	
		Total	21	100.0	19
	March 15–April 30, 2003	Deputies	38	65.5	
		Executive	7	12.1	
		Senate	12	20.7	
		State Leg.	1	1.7	
		Total	58	100.0	46

percent. In the spring 1996 term, all 14 approved bills were originally sponsored by the president. Executive dominance over legislation was reversed in the 57th Legislature. In the spring 1998 and 1999 terms, 38.5 and 35.0 percent of the approved legislation originated in the presidency, respectively. In the spring 2000 term, only 9.1 percent of the laws approved were sponsored by the executive. The president was responsible for more bills than the deputies in the first two spring terms of the 58th Legislature, but still less than half of the legislation was sponsored by the executive branch. In the spring 2001 term, the president sent 48 percent of the approved legislation, which dropped to 43 percent in the spring 2002 term. In the spring of 2003, only 12.3 percent of the legislation approved was sponsored by Fox.

Cumulative Productivity of the 58th Legislature through April 30, 2003

This section studies the cumulative productivity of both chambers for the 58th Legislature through April 30, 2003. These are not the final numbers for the 58th Legislature, because the bills introduced in the summer 2003 recess are not included. Nonetheless, no other bills have been passed in either chamber, so the statistics are definitive in terms of bills approved. In the Senate, a total of 673 bills were introduced through the end of the spring 2003 term (see table 9). Of these, the president sponsored 189, just over 28 percent. The executive bills include 106

treaties, of which 98 were approved and 4 rejected. Through April 30 of the third year of the 58th Legislature, the senators introduced 370 bills, representing 55 percent of the total.

The PRI senators introduced by far the largest number of bills, 153, which accounted for 22.7 percent of the total number of new bills. The PAN senators presented about half the number as the PRI, 72 bills, or 10.7 percent. The PRD introduced 56 bills and the PVEM 55. The PVEM has only 5 senators in the 58th Legislature, fewer than 4 percent of the senators, but introduced 8.2 percent of the bills. The state legislatures sent only 7 bills to the Senate (they much prefer to send bills to the lower chamber). Nearly 16 percent of the bills considered in the Senate, 107, were sponsored by deputies and were approved in the lower chamber.

If treaties are excluded from the analysis, the president introduced 83 regular bills, representing only 14.6 percent of the bills. Without treaties, the senators introduced 64.6 percent of the bills. Compared to the Chamber of Deputies, the executive branch has a greater participation in the Senate, even when treaties are excluded, but the gap between the two chambers with regard to executive influence diminished greatly during the course of the 58th Legislature.

Through April 30, 2003, the Senate approved 341 bills, or 49.7 percent of the total legislation presented. Of these, 170 were sponsored by the executive branch, representing almost half of all of the legislation approved in the upper chamber. The Senate approved 94 bills introduced by senators, accounting for 27.6 percent of the total. The remaining 77 bills were sponsored by deputies. If treaties are excluded from the analysis, the dominance of the executive branch declines. Without the treaties, the president was responsible for 72 of the 243 regular bills approved in the upper chamber, or 29.6 percent. Likewise, excluding international agreements, the senators sponsored 38.7 percent of the approved legislation. The Senate approved 89.0 percent of the executive bills, including treaties, and 86.7 percent of the president's bills, excluding treaties.²³

The party with the greatest number of bills approved in the Senate was the PRI, with 51, or 15.0 percent of the total legislation approved. The PAN was far behind, with 16 bills, followed by the PRD and the PVEM, with 7 bills each. The PRI also had the highest approval rate for its legislation, 33.3 percent. The PAN had 22.2 percent of its bills approved, while the PRD and the PVEM had less than 13 percent of their legislation passed.

Through the end of the last regular term of the 58th Legislature, 35 bills had been rejected, over 5 percent of the total number of bills considered. The most impressive statistic is the 7 executive bills rejected. Four of these are treaties rejected after negative

23. The four international agreements to be rejected, and at least one remaining treaty that is likely to be voted down, count against the approval rate of executive bills. These bills were submitted to the Senate to abide by international law that requires them to be sent through the formal approval procedure; yet the intention of the executive was that these accords be rejected by the Senate, following the recommendations of the Labor Ministry. If these are recorded as legislative victories for the executive, then the approval rate for the president increases to 91.6 percent.

Table 9. Bills Considered in the Senate, 58th Legislature, Cumulative (September 1, 2000, through April 30, 2003)

Sponsor	Bills Introduced					Total	Bill Resolution			
	New Bills (from the 58th)			Percent of Total	Archived Bills (from before the 58th)*		Approved	Rejected/ Negative Report	Pending**	Percent Approved
	Laws	Constitutional Reforms	Total							
Senator-PRI	123	30	153	22.7	0	153	51	2	100	33.3
Senator-PAN	57	15	72	10.7	0	72	16	2	54	22.2
Senator-PRD***	32	22	56	8.3	0	56	7	5	44	12.5
Senator-PVEM	43	12	55	8.2	0	55	7	6	42	12.7
Senators in coalition	23	6	29	4.3	0	29	9	3	17	31.0
Committees	4	1	5	0.7	0	5	4	0	1	80.0
Executive****	67	3	189	28.1	2	191	170	7	14	89.0
Chamber of Deputies	101	6	107	15.9	11	118	77	10	31	65.3
State Legislatures	5	2	7	1.0	0	7	0	0	7	0.0
Total	455	97	673	100.0	13	686	341	35	310	49.7

* 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 two bills to repeal reservations to ratified treaties.

**** Total includes 13 requests for authorization to travel outside the country (12 approved and 1 rejected), and 106 treaties (98 approved and 4 rejected).

recommendations from the Labor Ministry. One is the travel authorization rejected private investment in electricity received a negative committee report in April 2002. on the floor in the spring 2002 term.²⁴ Another is the reform to the Organic Law of the Federal Tribunal for Fiscal and Administrative Justice, part of the 2001 tax reform, rejected in the spring 2003 term. Finally, Zedillo's constitutional reform to open up private investment in electricity received a negative committee report in April 2002.

Through April 30 of the last year of the 58th Legislature, 1,286 public bills had been introduced in the Chamber of Deputies, more than any other legislature in Mexican history (see table 10). The executive introduced 87 bills, representing 6.8 percent of the total number of new bills. The deputies sponsored 981 bills, more than three-quarters of the total. The Senate sent 101 senator-sponsored approved bills to the lower chamber and forwarded to the Chamber of Deputies another 49 tax bills that had been introduced by senators. The state legislatures introduced 68 bills in the Chamber of Deputies.

Among the parties in the Chamber of Deputies, the PRD presented the most bills, 259, or more than 20 percent of the total. The PAN introduced 230 bills, and the PRI 214.

Deputies from more than one party jointly introduced 109 bills, not including the 26 bills introduced by committees. The Chamber of Deputies also considered 57 bills from previous legislatures, going back as far as 1993. Bills that are neither approved nor rejected remain alive indefinitely under Mexican legislative procedure, and they can be reported at any time. Often the committees reject these bills to clean up their archives, but quite frequently old bills are incorporated into favorable committee reports. Naturally, most of these bills from the archive were originally sponsored by deputies.

The Chamber of Deputies approved 355 bills through the end of the spring 2003 term, representing 26.4 percent of the total number of bills considered. The chamber passed 80 executive bills, 22.5 percent of the total. Between 1928 and 1997, when the official party held a majority in the lower chamber, the president had always introduced a majority of the approved bills; that is, he was responsible for a majority of the legislation approved in any particular legislature. This pattern shifted significantly in the 57th Legislature, when the PRI lost its majority; the deputies were responsible for more approved bills than the president. In the 58th Legislature, the deputies introduced 195 of the approved bills, or 54.9 percent of the total. Therefore, under unified government, the executive played a dominant role in legislation; however, in the last six years of divided government in the lower chamber, the deputies have been responsible for most of the legislation.

The president remained influential in the 58th Legislature, however, as 92.0 percent of his bills were approved. This is a decline from the 1988 to 1997 period, however, when over 98 percent of the president's bills were approved, but very

24. See Jeffrey A. Weldon, *The Spring 2002 Term of the Mexican Congress*, Mexican Congressional Report Series (Washington, D.C.: CSIS, March 2003).

Table 10. Bills Considered in the Chamber of Deputies, 58th Legislature, Cumulative (September 1, 2000 through April 30, 2003)

Sponsor	Bills Introduced				Total	Bill Resolution		
	Laws	Constitutional Reforms	New Bills (from the 58th)	Archived Bills (from before the 58th)*		Approved	Pending**	Percent Approved
Deputy-PRI	159	55	214	16.6	8	32	15	14.4
Deputy-PAN	173	57	230	17.9	17	52	18	21.1
Deputy-PRD	184	75	259	20.1	13	44	19	16.2
Deputy-PVEM	52	14	66	5.1	5	14	8	19.7
Deputy-PT	25	10	35	2.7	4	6	5	15.4
Deputy-CDPPN	2	2	4	0.3	0	0	0	0.0
Deputy-PAS	4	7	11	0.9	0	0	0	0.0
Deputy-PSN	6	2	8	0.6	0	1	0	12.5
Deputy-IND	2	4	6	0.5	0	0	0	0.0
Deputies in coalition	101	21	122	9.5	6	28	7	21.9
Committee	24	2	26	2.0	0	18	0	69.2
Executive***	71	4	87	6.8	0	80	0	92.0
Senate	97	4	101	7.9	2	44	6	42.7
Senator	46	3	49	3.8	1	21	1	42.0
State Legislatures	44	24	68	5.3	1	15	5	21.7
Total	990	284	1286	100.0	57	355	84	26.4

* 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 12 requests for authorization to travel outside the country.

similar to the levels of bill approval for Zedillo in the divided 57th Legislature (1997–2000).²⁵ The lower chamber approved 18.9 percent of the bills sponsored by federal deputies. The Chamber of Deputies approved 42.7 percent of the bills received from the upper chamber; conversely, the Senate approved 65.3 percent of the bills received from the lower chamber. Surprisingly, the Chamber of Deputies approved 42 percent of the tax bills introduced by senators.²⁶ The party with the greatest approval rate for its bills was the PAN, with 52 bills approved, 21.1 percent of the total number of bills that the party introduced. This continues a pattern evident in the 1988 to 2000 period, when the party of the government (in those years the PRI) tended to be more successful in getting legislation approved. The party with the next highest number of bills approved was the PRD, with 44, an approval rate of 16.2 percent. The PRI had 32 bills approved, and the PVEM had 14. However, the approval rate for the PVEM was 19.7 percent, second only to the PAN.

The 58th Legislature received a lot of undeserved bad press. It was characterized as a Congress that was intransigent, a Congress that created deadlock. Indeed, some of the more important legislation—as defined by the press and maybe the president—was not approved in the 58th Legislature. These bills included the increase of the value-added tax on food and medicine, electrical reform, state reform, and labor reform—all controversial legislation, with little consensus among the parties, and with public opinion generally against the proposals. However, the great number of bills approved, 355, is evidence that there was not deadlock. In the Senate, 89 percent of the president's bills were approved and in the Chamber of Deputies, 92 percent (albeit with major amendments to nearly all the legislation). Furthermore, most of the executive's bills were major reforms, many at least as profound as the proposed labor reform and frankly much more significant than the value-added tax. Moreover, the deputies and senators sponsored some important reforms on their own. Though some of the bills approved were undeniably populist, designed principally for electoral purposes, most of the laws and reforms sponsored and approved by the legislators of the 58th Legislature were significant, valuable, and noteworthy (even if they rarely “merited” notice in the media).

25. See Jeffrey A. Weldon, “Changing Patterns of Executive-Legislative Relations in Mexico,” in *Dilemmas of Change in Mexican Politics*, ed. Kevin J. Middlebrook (La Jolla, Calif.: Center for U.S.-Mexican Studies, forthcoming).

26. The high rate actually pertains to most tax legislation. The Chamber of Deputies tends to lump many tax bills together (whether they were sponsored by deputies, senators, or state legislatures) when it approves the executive's omnibus tax bill in December as part of the budget package.

About the Author

JEFFREY A. WELDON is a professor of political science at the Instituto Tecnológico Autónomo de México (ITAM), where he teaches courses in political science and public policy. During the 2003–2004 academic year, he is 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 received a B.A. in political science from the University of Washington, and an M.A. in the same discipline from UCSD. He is currently a Ph.D. candidate in political science at UCSD. His most recent publications include a chapter on Mexico, coauthored with Wayne A. Cornelius, in *Comparative Politics Today* (Longman, 2003); “Changing Patterns of Executive-Legislative Relations in Mexico,” in *Dilemmas of Change in Mexican Politics*, edited by Kevin J. Middlebrook (Center for U.S.-Mexican Studies, forthcoming); “El Congreso, las maquinarias políticas y el ‘Maximato’: las reformas anti-releccionistas de 1933,” in *El legislador a examen: el debate sobre la reelección legislativa en México*, edited by Fernando F. Dworak (Cámara de Diputados/FCE, 2003); and “Reglas de votación y la estabilidad en la Cámara de Diputados,” with William B. Heller, in *El Congreso Mexicano después de la Alternancia*, edited by Luisa Béjar Algazi and Rosa María Mirón Lince (AMEP/Instituto de Investigaciones Legislativas del Senado de la República, 2003).

