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COMPARATIVE ANALYSIS OF LAW-MAKING PROCESS IN NIGERIA AND THE UNITED STATES OF AMERICA

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Abstract

The concept of law making existed before the parliamentary system the way it's known today; it all began in 11th century England. Both the United States Congress and the Nigerian National Assembly were established to be a problem-solving parliament that will make laws for peace, order and good government and to shape the behaviour of politicians. A parliament where bills can go through all its processes of legislation and be passed into law in one day is very dangerous, to say the least. The objective of the study is to examine the law-making process as it is operated in the United States of America and Nigeria and the similarities and differences of the law-making process between the United State Congress and the Nigeria National Assembly were established. The neo-institutional theory is adopted as the theoretical framework and the paper used the case study method of research and utilised content analysis method to analyse the data obtained for this study. The paper found that the law-making process between the United State House of Representatives and United State Senate is very different, both have different rules. The paper concludes that the United State Congress is very independent and as such not subject to manipulation. The paper recommends that the National Assembly members should become policy experts who initiate, develop and access bills as the engine for legislative ideas.

Keywords: Legislative Process, Parliament, Constitution, House Rules, legislative Committee.

1. Introduction

Law-making as a concept existed before the parliamentary system as we know it today. It originated in medieval Great Britain and found its way to parliaments around the world. The establishment of the United States Congress during the 1787 constitutional convention was to be a problem-solving parliament, one that can rise above the national predicament that existed during the Confederation. It was given precise powers to make legislations in which the Senate was to lead in handling important issues like the ratification of treaties among other important roles. In establishing this new national legislature, the Connecticut Compromise was adopted where the representation in the House of Representatives will be based on population and the Senate on equality of the state. Each state receives equal representation as is also practiced in Nigeria

today. To this end, power was given to the National Congress to impeach and remove erring chief executive in case of a constitutional breach. The Congress was to be a direct representation of the people. The legislature was to be a guardian and defender of democracy. Here are two examples of how the United States Congress had solved emerging problems in the United States. After World War II, the Congress took precautions to prevent the president from becoming all too powerful or otherwise inflicting harm upon the American people. In 1951, after Franklin Delano Roosevelt had broken with the custom to serve only two terms during World War II, the 22nd amendment restricted the maximum amount of time in office to eight years or in case of a vice-presidential ascendancy to the office of the President to just under ten years. The second example was after the assassination of President John F. Kennedy in November 1963. Congress then provided a

solution for the presidential and vice-presidential succession problem, should there be any case of death, removal, resignation, physical or mental incapacity of the president. This was settled with the 25th amendment in 1967 (Horst, 2020).

The constitutional development that established the problem-solving national United States Congress reminds me of Nigeria's constitutional development in 1975 which also was a bid to establish a better problem-solving legislature and people-oriented government. In 1975, the Supreme Military Council (SMC) led by the then Head of State, General Murtala Ramat Mohammed, proposed a new Constitution Drafting Committee (CDC) whose effort, transitioned Nigeria's democracy from the first Republic Cabinet System to the Presidential system of government. In his inaugural address to the CDC, the head of state faulted the behaviours of the political leaders and the constitution which facilitated the periodic crises in the country. He charged the CDC to give Nigeria a constitution that is capable of influencing the nature and orderly conduct of the politics of Nigeria. General Murtala and the SMC were convinced that if Nigeria gets the right parliamentary system in place, then the political problems that have bedevilled Nigeria will be solved. And yes, an independent legislature that a presidential system offered was the answer (Hamalai & Bobboi, 2014). The transition from the parliamentary (1960-1966) to the Presidential system (1979), was intended to birth a new governmental structure and administration that has inbuilt checks and balances which will be problem-solving oriented both politically and democratically.

The objective of this study is to examine the law-making process of the United States of America and the Nigerian National Assembly. The paper, also, seeks to analyse the similarities and differences between the law-making processes of the two countries.

The National Assembly under the Presidential system was to be a problem-solving parliament. How effective has our law-making process been? The parliament (NASS) is not working, because a porous, non-transparent, and ineffective legislative process can hamper a nation's development and destroy it. On the 28 of April 2020 during the lockdown as a result of the Covid-19 Pandemic, a Bill for an act was introduced to the House of Representatives for legislation. The bill was titled "Control of Infectious Diseases Bill 2020,"

sponsored by Rt. Hon. Femi Gbajabiamila, Speaker, House of Representatives alongside Hon. Pascal Obi and Hon. Tanko Sanunu respectively. The bill was described as a bill for an act to repeal the Quarantine Act of 1926 and enact the Control of Infectious Diseases Act (Kwen, 2020). The problem with the introduction of this bill is the fact that Honourable members of the House of Representatives did not have access to the bill prior to its presentation on the floor of the House as the tradition is. On the same day the bill was introduced, it successfully went through the first and second reading and was to be continued for the third reading after which it would have been passed without going through the established process of legislation and public input. Order 12 (3) (1) of the House of Representatives provides that "every Bill shall receive three readings previously to its passage, which shall be in three different days". A similar provision can be seen in the Senate Standing Order 79 (1) states that "every Bill shall receive readings previous to its passage, which readings shall be in different days". A parliament where bills can go through all its processes of legislation and be passed into law in one day is very dangerous, to say the least. Osuji also corroborates this position in his book when he wrote "This manual would still shudder at the passage of 46 bills, from first reading to third reading, in ten minutes (Osuji, 2017: 64).

2. Literature Review

2.1. Conceptual Issues

A parliament is a critical and significant organ of government the world over, usually constituted by elected representatives of the people for a specified term and for the primary purpose of law-making for the good governance of the nation. The word parliament is used worldwide to describe the legislatures of countries (Komolafe, 2018).

Legislative process or Law making is the steps required for a proposed bill to become a law. Legislation is the preparing and enacting of laws by local, state, or national legislatures. It is concerned with the words used in the bill to communicate the values, judgements, and purposes of the proposal (Cornell Law School, n.d.).

2.2. Theoretical Framework

This paper uses the neo-institutional theory to explain the theoretical basis for this study. This theory was propounded by Meyer (1977). The theory states that human activity is highly embedded in the context of institutional life as central and the control of institution over activity. This developed the understanding of institution as bases for human activity and how to rise above and control of them. This led to rationalisation where humans are no longer subjects to cultural and superstitious believe by virtue of modernity and organisation and also rational thinking system and institutional rules. Thus, as new institutional forces are built up in the modern system, the system itself tends to absorb them in expanded theories of actor hood and decision-making (Mayer, 2017).

Sanchez (2014) opined that the Neo-institutional theory has been a theoretical framework for the study of parliament in the 21st century. This change in the analytical study of parliament occurred at the end of the 20th century based on two main perspectives. First is the neo-institutional approach which considers institutions as determinants of the decision-making process. The second being the rational choice approaches that considers mainly the dynamics of parliamentary actors individually and collectively. Both of them conflate into the rational choice institutionalism. This theory is the advanced concept of institutional theory, which sees institutions as the sole determinant of policy outcomes in government institutions (Cheibub, 2007). Neo-institutionalism implies a commitment to institutional rules and explanations of political behaviour. It also presumes that institutions themselves can be explained in terms of goal-oriented human behaviour (Strom, 1996). This analysis helps to improve understanding of the process that translates political actions into institutional change and other factors that can be responsible for a policy outcome. Neo-institutionalism is a more encompassing theory as it not only analyses institutions as the sole determinant of the outcome of policy in a government institution but also acknowledges the political behaviour of the actors in such institutions as the Legislature. Therefore; this theory is most appropriate and suitable for this study and hereby adopted.

2.3. Empirical Review

Kargbo (2017) conducted research on comparative analysis of the American Congress and Nigeria's

National Assembly. The researcher used both primary and secondary methods of data collection. The research focused on the constitutional powers of both parliaments with a bicameral legislature, a Senate and a House of Representatives. The author brought out the qualifications of the elected candidates into the United State Senate and House of Representatives in comparison to the Nigeria National Assembly. The functions of the two chambers in the United States Congress were revealed and the different roles they play in an impeachment process against the United States federal officials and the president and how it differs from the impeachment process of the National Assembly. He elucidated that in Nigeria the constitution empowers the Independent National Electoral Commission (INEC), to set time places and the manner of holding elections for senators and members of the House of Representatives, in America the constitution empowers the various state legislatures to do so and empowers the Congress to alter such regulations made in that regard by the respective state legislature.

Kargbo (2017) also revealed that the National Assembly is empowered to make laws in the exclusive list of the second schedule of the 1999 Constitution (as amended) the 68 items cover almost all economic, political and social lives of Nigerians. In America, the Congress is empowered to make laws for the items enumerated in Article 1 Section 8, which basically covers the Federal Government's areas of responsibilities up to about 18 items. The composition of the United States House of Representatives and Senate are similar to that of Nigeria, in the sense that the House of Representatives is based on population while the Senate is based on equality of state. Furthermore; the power to make law in the United States Congress and the Nigerian National Assembly is exercised by bills passed by both the Senate and the House of Representatives and assented to by the president.

The result of Kargbo's research showed that the reputation of legislators in both countries is affected by their inability to strike a good balance between their constituency and countrywide representation. It also shows that the Nigerian Federal Government has more constitutional powers than the American federal government. A major gap in the research effort is the lack of comparison of the law-making in both the United States Congress and the National Assembly.

This gap this study intends to fill.

Komolafe (2018) conducted research on understanding legislative practices and procedures in Nigeria. The researcher used primary and secondary methods of data collection. The focus of the research is on key elements of the operational areas of the legislature coupled with parliamentary practices and procedures that guides the conduct and operations of legislative business both in plenary and at the committee levels, which are expected to be the catalyst of leveraging, the requisite effectiveness and efficiency of the lawmakers and parliamentary officers in the discharge of their legislative duties. The Nigerian parliament performs three key functions of law making or legislation, representation and oversight function. These key three functions were examined by the researcher. Every proposed bill for enactment in the chambers must be published in both the senate and house journals and be processed through first reading, second reading and third reading respectively then passage into law. The research work was broad-based and covers every aspect of parliamentary functions, powers, legislative privileges and responsibilities as provided by the constitution.

A major gap in this work is the comparison between the National Assembly, Indian and British parliaments which are cabinet systems; this comparison does not match as Nigeria practices a presidential system and separation of power. This gap among other things this study intends to fill.

Sanyaolu *et al.* (2017), researched the process of law-making by the legislature in a democratic setting. The author utilised primary and secondary data in conducting the research. The paper expatiated on eleven stages that a law-making process goes through in the Nigerian legislature. These stages the researchers identified as the origination of the bill which he also referred to as the presentation of the bill. These eleven stages or steps according to the author encapsulate all the processes involved in a bill from formulation, to introduction to assent. The author also enumerated the four functions of the legislature such as enactment of laws; provide checks and balances, appropriation of funds and serving as public opinion. The result of the research shows that the author is not well acquainted with legislative vocabulary and practices in the process of law-making and as such his thoughts were not well communicated. A major gap in the work is lack of

comprehension of the legislative process and the inability on the part of the researcher to use the right vocabulary to communicate his point. This gap will be filled in this study.

2.4 Law Making as a Concept

Law making as a concept existed before the parliamentary system as it is known today. The origin of the common law can be traced to the 11th century in the King's court, in England by the then King of England, William the Conqueror. The courts applied local customs in deciding local disputes and overtime, these customs became rules set as the basis for later courts to make decisions on similar disputes. As different types of disputes and customs evolved, the common law developed to become the main body of law until the 17th century when the British parliament increased its law-making power and activities. This resulted in more laws being made through Acts of the Parliament. Therefore, the origin of the legislative process can be found in medieval times. In those early days, legislation requests to the King were made through petitions. When the King sought supply from the Parliaments, the Commons in return, presented either oral or written petitions for which they wished to obtain the King's assent. Those that the King decided to grant were written as statutes by his advisors and entered in the form of statute rolls. The statutes reproduced the wording of the petition and the King's reply with the King and his advisors having the prerogative of amending the wording of the petition and in some cases failed to keep to the reply that has been given (Marleau & Montpetit, 2000).

One very important step in this process was taken in 1414 when the Commons requested Henry V, that their petitions written in the form of law should not be altered without their consent. A few years later during the reign of Henry VI, the Commons succeeded in establishing the practice of having their legislation related requests presented to the King in the form of bills, and also obtained the King's assurance of non-alteration of bills without their consent. This was a major move towards the actualisation of the Parliament law making by the people or the Commons in ancient Great Britain.

The evolution of the role of the commons in the legislative process was marked by the changes made to the enacting clause used in laws. Starting at the

beginning of the reign of Edward III, the words “at the request of the commons” were used in the enacting clause. From this point, legislative languages and influence of the commons in law making developed as subsequent Kings reigned over Great Britain. By the end of the reign of Elizabeth I., the practice of the readings with no debate on the first reading and referring the bill to a committee after second reading was already formally established (Marleau & Montpetit, 2000). This was how law-making process that we have in the parliaments today originated in countries around the world including Nigeria and the United States of America which were once colonies of Great Britain. It was the same way that impeachment as a concept originated also from Great Britain and found its way into the colonies of Britain and several state constitutions (Schwartzman, 2019).

2.4.1 Process of Law Making in the Nigerian National Assembly

Any proposed Bill for enactment into law in the National Assembly is expected by virtue of the provisions of Sections 58 and 59 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to undergo several legislative processes. A bill after initiation and publication in each House will pass through the first reading, during which only the short title is read by the clerk of the house. The second reading is the debate on the general principles of the bill and thereafter, the clerk of the House reads the long title after the conclusion of the debate. Referral is made to the appropriate committee by the presiding officer. The next stage is the committee stage where detailed consideration of a bill is done. Thereafter, the report stage, wherein the committee of the whole house embarks on the clause-by-clause consideration of a committee’s recommendations on the bill where only corrections or minor mistakes are allowed, except there is recommittal. There is also conference stage for resolution or harmonisation of the differences in the versions passed by the two Houses. After the identical passage of the Bill by the two Houses, it is forwarded to the directorate of legal services for engrossment and subsequent transmission to the President for assent by the Clerk to the National Assembly.

2.4.2. Process of Law Making in the United States Congress

In the United States once a member of the House of Representatives or Senate introduces a bill it is typically referred to the committee (or committees) in the chamber with jurisdiction over the provisions in the bill. In the House, a bill is introduced when it is dropped in the hopper (a wooden box on the House floor). On the other hand, in the Senate, the bill is submitted to the clerk on the Senate floor. Upon introduction, the bill will receive a designation based on the chamber of introduction, for example, H.R. or H.J. Res. for House-originated bills, and for joint resolutions and S. or S.J. Res. for Senate-originated measures. It will also receive a number which is typically the next number available in sequence during that two-year Congress.

In the House, majority party leaders generally decide which bill will receive floor consideration; typically they schedule a bill for a type of streamlined floor consideration, or instead ask the Rules and Business committees to propose a set of tailored parameters for floor consideration. Once a committee concludes its job and reports a bill, it is placed on one of the respective chamber’s calendars. In the Senate, majority party leadership does not have procedures like those of the House for bringing bills to the floor. One way the Senate can take up a bill is by agreeing to a motion to proceed to consider such a bill. Once a Senator, usually a majority leader makes such a motion that the senate proceeds to certain bills, the Senate can then normally debate the motion to proceed. The process by which a bill becomes law is rarely predictable and can vary significantly from bill to bill. In fact, for many bills, the process will not follow the sequence of congressional stages that are often understood to make up the legislative process (Castellano, 2013). A bill must be agreed to by both the senate chamber and the House of Representatives in the same format before it can be presented to the president. Because of this at some point in the legislative process, either chamber will have to act on the bill of the other compulsorily. At some point in the legislative process, either the House must act on a Senate bill or Senate must act on a House bill, because only one can be presented to the president. Both chambers have to agree to identical text either by agreeing to the other chamber’s proposal during amendments between the houses or by agreeing to the conference report. Once both the House of Representatives and the Senate have

each agreed to the bill in the same form, it is enrolled, that is prepared in its final form and then presented to the President of the United States for assent.

3. Methodology

This work is a case study of the law-making process in the United States of America and Nigerian National Assembly. Robbins (2001), defines a case study “as a thorough description, rich in details about an individual, a group or an organisation”. Because of this, a study of the law-making processes of the United States Congress and Nigeria’s National Assembly has been described and a rich analysis made to determine the outcome of this research paper.

3.1. Method of Data Collection

According to W. Rogers (as cited in Omale and Seye 2013. 24) “it is not what we don’t know that gives us trouble, it is what we know that ain’t so”. Primary and secondary sources of data collection were obtained and utilized. Data were obtained for the sole purpose of this research work, directly from source. The methods of data collection adopted consist of: participant observation, content analysis and other documents which cover the secondary sources of data.

3.2. Method of Data Analysis

This paper utilises the content analysis method of research to analyse the data obtained for the law-

making process between the United States Congress and Nigerian National Assembly. This is the method of analysis that analyses the manifest and latent content of a body of communicated material through a classification, tabulation, and evaluation of its key symbols and themes in order to ascertain its meaning and probable effect.

4. Results and Discussion

Article 1 of the United States constitution grants all legislative powers to the United States Congress with a bicameral legislature. Section 4 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) vest legislative powers on the National Assembly with a bicameral legislature. Both parliaments were established to be a problem-solving legislature to make laws for peace, order and good government of the federation. Independent legislature is one of the cardinal principles of separation of power for checks and balances in the three arms of government. A bill goes through various legislative processes to become a law, a process in which several things occur. Sometimes it leads to a bill being changed or redrafted then passes through the first, second and third reading to become an act of parliament after the President assents to it.

Table 1: Composition of Members of Parliament by the Nigerian and US Constitutions

Constitution	Composition	Number of Individuals	Reference
Nigeria	National Assembly	469	Section 47 to Section 49
Nigeria	Senate	109	Section 48
Nigeria	House of Representatives	360	Section 49
US	Congress	At least 150	Article I, Section 1
US	House of Representatives	Depends on state population	Article I, Section 2 (cl. 3)
US	Senate	100	Article I, Section 3 (cl. 1)

Source: Nigeria/US Constitution.

Table 1 shows the composition of the members of parliament by the Nigerian and United States constitutions. Both constitutions provide for a bicameral legislature, a House of Representatives and a Senate. Furthermore, the total number of elected individuals in the National Assembly is fixed at (459): 3 individuals are selected for the Senate from each of

the 36 states in Nigeria and 1 individual from the Federal Capital Territory (FCT), and 360 individuals for the House of Representatives. On the other hand, the United States Congress is made up of a total of 535 legislators in all. One hundred (100) are members of the senate 2 individuals are selected for the Senate from each of the 50 states while 435 are members of the

House of Representatives: at least 1 individual for every 30,000 people is elected for the House of Representatives.

Table 2: Law-making Process between the United States and Nigeria National Assembly

Bills	US Congress	Nigerian NASS
Initiation	Only members can initiate bills, not everybody and only members can introduce legislation.	Bills can be initiated by anybody but only a member of parliament can introduce it on the floor of the chambers.
Who	All bills are the initiative of members but the President can request for legislation through a member of the Congress.	Bills are grouped into 3 categories viz executive, members and private bills.
Methods	Bills are not introduced directly onto the floor of the House of Representatives but into the hopper. In the Senate it is submitted to the Clerk on the Senate floor.	A bill is presented to the Speaker or the Senate President
Process	The processes of legislation in the House of Representatives are different from the Senate	The processes of legislation in the House of Representatives and Senate are similar.
Outcome	The process by which a bill becomes law is rarely predictable and can vary significantly from bill to bill. In fact, for many bills, the process will not follow the sequence of congressional stages that are often understood to make up the legislative process.	A bill goes through 3 stages of legislative process to become a law, first reading which is introduction, second reading in which debate takes place and third reading before passage.
Committee Stage	Bills are referred to committee with jurisdiction over the bill	Bills are referred to committee with jurisdiction over the bill
Discussion	Bills are always discussed in the chamber of its origin before it is sent to the other chamber for concurrence and passed.	Bills are always discussed in the chamber of their origin before it is sent to the other chamber for concurrence and passed.

Source: NASS Standing Orders/Castellano (2013).

The table above show how laws are made both in the United States Congress and Nigerian National Assembly. In the United States Congress proposed laws are only initiated by members of parliament. The president of the United States can also request for legislation through a member of Congress. Bills in the United States Congress are not introduced directly onto the floor of any chamber and the processes of legislation in both houses are different. The process by which a bill becomes law is rarely predicable and varies significantly from bill to bill as different rules apply to different bills when processed. Bills are referred to committee with jurisdiction over the elements on the bill for processing. When a bill originates in any chamber it is first discussed and passed before it's sent to the second chamber for concurrence.

On the flip side, in the Nigerian National Assembly proposed legislation can be initiated by anybody not necessarily a member of parliament; however only a member of the parliament can introduce legislation on the floor of the chamber. There are three categories of bills in Nigeria viz: the executive, members and private bills respectively. In the National Assembly bills are introduced directly onto the flow of both the Senate and House of Representatives. The process of legislation in both houses are similar and all bills go through first, second and third reading before it's passed. Bills are referred to committee with jurisdiction over the elements on the bill for processing. Bills are also discussed in its chamber of origin before it's sent to the other for concurrence

4.1. Similarities in Law making process in United States and the Nigerian Parliament

Article 1 of the US constitution grants all legislative powers to the United States Congress with a bicameral legislature. Section 4 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) vest legislative powers on the National Assembly with a bicameral legislature. Both parliaments were established to be a problem-solving legislature to make laws for peace order and good government of the federation. Both the United States Congress and Nigerian National Assembly, utilises the Committee and subcommittee system in processing their laws made. They both use the legislative calendar system where bills eligible for floor consideration are listed. Both parliaments also use two third majority votes to pass a bill into law.

In the United States Congress and National Assembly all bills received are given numbers as follows: HB (House Bill) and SB (Senate Bill) as the case with NASS and HR (House Resolution) or H.J.Res (House Joint Resolution). And S (Senate) or S.J.Res (Senate Joint Resolution), for the United States Congress. Both parliaments use conference committees to sort out differences and to resolve discrepancies in their law-making process between both houses. Committees are also used to process bills into law. In the United States Congress and National Assembly, once both the House of Representatives and Senate agree to a bill passed in the same format, the Clerk will “enrol” the bill for the president to sign into law. In both countries, Presidents can veto laws made by the parliaments.

In both countries’ parliaments, Presidential nominations are referred to the relevant senate committee of jurisdiction for processing, screening and approval. The enactment of law always requires both chambers to separately agree to the same bill in the same form before presenting it to the President in both countries for assent.

4.2. Differences in Law Making Process in United States and the Nigerian Parliament

In as much as there are similarities in the process of law-making between the United States Congress and Nigeria National Assembly, differences in legislative processes abound. In Nigeria bills are introduced directly onto the floor of the chambers of the House of

Representatives and the Senate respectively but in the United States Congress, bills are not introduced directly onto the floor of either chamber, in the House it is dropped in the Hopper while in the Senate it is given to the Clerk. In Nigeria bills can be initiated by anyone but only a member of parliament can introduce it onto the floor of either chamber; in the United States, bills can only be initiated by the law makers themselves, much of the policy expertise resides in the standing committee panels of members from both parties that typically take the lead in developing and accessing legislation. In the United States when bills are “enrolled” for presidential ascent, the president has (10) ten days to sign the bill into law. If he withdraws his assent and vetoes it, after ten days the Congress can override his veto. In Nigeria, the President has (30) thirty days before the National Assembly can override the presidential veto.

In Nigeria, once a bill is introduced, it can go through the main stages of law making from first reading, second reading, to the final third reading and be passed. In the United States Congress the process by which a bill becomes law is rarely predictable and can vary significantly from bill to bill. In Nigeria National Assembly, the Senate President is an elected member of the Senate, who is in turn elected by his colleague to be the President of the Senate during the principal officers election after their inauguration. On the flip side in the United States Congress, the Senate President is the elected Vice President of the country who is not an elected member of the Congress but on a joint ticket with the President.

In the United States when voting is conducted in both chambers, voice vote is used. The House of Representatives in addition to voice vote has an electronic voting system with which votes are recorded but the Senate does not have an electronic voting system. However; recorded votes in the Senate are done through “a call of the role”. This is done in the Congress to enable them know who voted for or against. In Nigeria when voting is conducted voice vote is usually applied with each voting member to say “Aye” or “Nay”.

4.3. Discussions

The United States system currently provides for a two-year term of office for the members of the House of Representatives from the 435 population-based district.

Accordingly, in the Senate, voters of each state vote to elect two Senators (100), who serve six (6) year terms that overlap, (such that only one-third of the chamber is up for election in any given election cycle). This means that the majority of the Senators do not stand for re-election whenever elections into the senate are to take place in election cycles. This leaves the senate with experienced senators who are grounded in legislation and its process to continue effective law making that guarantees good governance and development of the nation. In the United States political process, the government does not interfere with the voting process hence the citizens can elect and re-elect experienced legislators who are representing their people well. In the United States their votes count.

The Nigerian National Assembly on the flipside is made up of a total of 469 legislators. One hundred and nine (109) are members of the Senate while three hundred and sixty (360) are members of the Nigerian House of Representative. In Nigeria fresh legislators are elected into the National Assembly after every four years for both the Senate and the House of Representatives especially if the incumbent loss their election. The United States of America and Nigeria are both presidential Federal Government whose parliament are bicameral system. Their law-making processes are similar in some areas and different in other areas. Each parliament utilises the legislative committee system in processing their laws. In Nigeria for instance bills are recommended to the committee after the second reading and debate. Whereas in the United States Congress bills are referred to the committee with jurisdiction over the bill soon after introduction of such bill. The Nigerian National Assembly and the United States Congress also utilises the legislative calendar system. In the United States for instance after the committee work on a bill and report written on such a bill, it is placed on the calendar pending its turn to be considered. Bills on the legislative calendar are considered in order by which they are place i.e., chronological order. On the other hand, in the National Assembly legislative calendar is used to schedule the day and time in which a particular bill will be presented on the floor of the parliament for consideration. In both countries once a bill has been passed into law in the same form by the Senate and House of Representatives and presented to the President for assent, the President can veto the bill or sign it into

law. The United States President has 10 days to sign the bill into law; whereas in Nigeria, the President has 30 days to do so. If either of the President veto the bill the parliaments can pass the legislation into law by simple majority vote of two third.

In the United States Congress, the House of Representatives and the Senate are fundamentally equal in their legislative roles and functions (Castellano, 2013), only that the Senate confirms presidential nominations and approves treaties. On the other hand, only the House of Representatives can originate revenue legislation, but the Senate can amend such legislation (U.S. Const. art I, §7, cl.1.1). Each chamber has the constitutional authority to make its own rules, because of these the House and Senate have developed very different ways of processing legislation, perhaps partially flowing from their constitutional differences. Zelizer (2004), states that the House of Representatives and Senate are two distinct institutions, each with its own story.

Specifically, House rules and practices allow a numerical majority to process legislation relatively quickly. On the flipside, senate rules and procedures favour deliberation over quick action, as they provide significant procedural leverage to individual senators. The point elucidated above shows the uniqueness of operation in both houses in the United States Congress as opposed to Nigeria where the process and procedure are the same and resolutions arrived at by simple majority voice vote. In the Nigerian National Assembly both chambers are not equal in legislation and function as the case with the United States Congress. The green chamber as the House of Representatives is popularly referred to is seen as the lower chamber while the Red Chamber as the Senate is popularly referred to in Nigeria is regarded as the upper Chamber. This nomenclature is derived from the cabinet system once practised by Nigeria at independence in the first republic, which was the British model and supported by the Nigerian constitution.

4.4. Findings

The study found that the way in which the United States Congress is structured makes it efficient in law making. Their legislative process is dynamic yet complex. It makes their law-making unpredictable but productive. Each chamber also has very different ways of processing legislation, this enables the Congress to even

provide checks and balance for itself. They adhere strictly to the rules governing their legislative process. The way the National Assembly is constituted is simple, predictable and easy but not efficient. Also, the problem-solving independent legislature for which the presidential system was established has not been achieved. The research also found that there is a fusion of the cabinet system and the American legislative system. Nigeria presidential system is a breed of both parliamentary and presidential in practice, which is affecting the independence of the legislature. Furthermore; the long military rule in Nigeria has affected its legislature, this has made the executive more developed than the legislature.

5. Conclusions and Recommendations

Without comparison to make, the mind does not know how to proceed. The study of Comparative Administration frees us from narrow mindedness and is compelling because it helps inefficient administrative systems to upgrade and reform. Lack of comparativeness could cause one institution to be defective against its counterpart. Undoubtedly, the comparative method of studying administrative systems or administrative institutions has always been helpful. As the researcher have come to know, revolutionaries and reformers in the eighteenth and nineteenth centuries looked across boundaries and across history for institutions to copy or reject.

The operation of the United States Congress shows clearly how independent a legislature can be. It is difficult to manipulate and make it a rubber stamp legislature for the executive or for anybody. Their system of operation makes it difficult to make bad laws because if they let it happen it could lead to loss of election and be voted out of Congress. The United States population rewards their lawmakers and politicians with re-election and when they fail by voting them out. The most recent example being their former sitting President Donald J. Trump. The United States Congress law-making process is quite complex compared to their Nigerian counterpart and as such not easily subjected to manipulation by any arm of government. This is why it could defend their

democracy. They have the power to impeach both the President and judges whose appointment they ratify so the United States parliament is so powerful and so are the lawmakers; they are not easily compromised. They also understand their legislative authority that they are not subservient to any other arm of government. This is why they are a problem-solving parliament. Learning is easy and made possible today because we have lecturers, professors etc who are already learned and who teach us and from whom we learn. Therefore; to have a parliament like the United States Congress which the Nigerian National Assembly is patterned after, growth, development and expertise should be easy for the National Assembly to attain if it copies well. In fact, the National Assembly should be better and not continue to be as simplistic as it is today where a bill can go through all its processes of legislation in one day and be presented for assent.

5.1. Recommendations

The simplistic and fragile legislative process in the Nigerian National Assembly should be reformed to enhance effective law-making for the development of the Nation. There is need for the redefinition of the Nigerian constitutional powers for the two chambers of the National Assembly not necessarily on which chamber is superior but in function for the purpose of efficiency and service delivery. In Nigeria the fact that bills can be initiated by anybody takes away a major role and responsibility of the law makers therefore; the paper recommends that standing committee members (legislators) should become policy experts who take the lead in initiating, developing and accessing legislation; this is the core duty of law making. A whole month is given to the Nigerian President to sign a bill into law or veto. The paper recommends that this should be reduced to two weeks. The National Assembly is recommended to become an independent, problem-solving legislature for which Nigeria transitioned from the parliamentary system to the presidential system for there to be separation of powers, checks and balances. Legislative processes should no longer be circumvented.

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