

Agenda interference as bargaining tactic

Eric Magar

November 24, 2014

1 In the law

Formal authority to interfere in the Congressional agenda is established in the Constitution (art. 74) and Congressional Organic Law (arts. 26 and 27). The constitution stipulates that the president can urge action on any bill at any stage in the legislative process. The chamber receiving the urgency message is compelled to act on the bill (“discuss and vote it”) before a specific deadline. Since inter-cameral differences are dealt with in conference (*comisión mixta*, const. arts. 68–70), an urgency message at this stage compels Congress (ie. the conference and both chambers) to act before the deadline. The law defines the breadth of the interference, giving the president a choice of 30-day (simple urgency), 15-day (extreme urgency), or 6-day (immediate discussion) deadlines. So at its maximum—an immediate discussion urgency to a bill in conference—the conference has two business days to report a compromise bill, and each chamber two days to push the bill to the floor and vote it up or down.¹ The president can retire the urgency at will, with immediate effects. Urgencies expire at the end of the regular session.

Urgent bills take precedence in the day’s order, the . How exactly? It affects one of 30/15/6 successive days.

How is the day’s order prepared? “Las urgencias determinan el orden de la tabla de discusión”)

What if Congress fails to act? Can urgency be ignored? Can a committee report kill the bill or does urgency compel a vote in the floor (law’s art. 27 “su discusión y votación en la Cámara requerida deberán quedar terminadas en el plazo”)?

2 Data

The Chamber of Deputies’ web page (www.camara.cl) has detailed information on bill histories, including business in the Senate, since the return to democracy in 1990. A request of information was sent by email to the Congressional staff. Upon their failure to respond, site contents were scraped. The javascript-rich web page posed difficulties for this, resolved with Python’s Selenium library. The script (posted in

¹Congressional practice is well summarized by the library of Congress at <http://www.bcn.cl/ecivica/formacion/>.

Period	N (and %) bills reporting urgency							
	in messages but not in timeline	in timeline but not in messages	in both tabs	in neither	All bills			
1990–1994	213 (19)	5 (.4)	25 (2)	897 (79)	1,140 (100)			
1994–1998	168 (17)		18 (2)	775 (81)	961 (100)			
1998–2002	128 (18)		77 (11)	518 (72)	723 (100)			
2002–2006	59 (5)	2 (.2)	206 (18)	905 (77)	1,172 (100)			
2006–2010	1 (<.1)	3 (.1)	438 (16)	2,261 (84)	2,703 (100)			
2010–2014	1 (<.1)	1 (<.1)	457 (19)	1,945 (81)	2,404 (100)			
2006–2014	2 (<.1)	4 (.1)	895 (18)	4,206 (82)	5,107 (100)			
2002–2014	61 (1)	6 (.1)	1,101 (18)	5,111 (81)	6,279 (100)			
1998–2014	189 (3)	6 (.1)	1,178 (17)	5,629 (80)	7,002 (100)			
1994–2014	357 (4)	6 (.1)	1,196 (15)	6,404 (80)	7,963 (100)			
1990–2014	570 (6)	11 (.1)	1,221 (13)	7,301 (80)	9,103 (100)			

Table 1: Preliminary assessment of inconsistencies in the Chamber’s web site

a web appendix at...) was inefficient (slow) but effectively downloaded bill histories for seven legislatures between March 1, 1990 and February 28, 2014.

Data has inconsistencies, but they are few and apparently much less prevalent since 1998, and especially since 2002. Inconsistencies in urgency reports can be gauged by comparison of their mentions in two of the web page’s tabs: the main tab with the bill’s timeline (*hitos de tramitación*) and the tab devoted to urgency messages (*urgencias*, see http://www.camara.cl/pley/pley_detalle.aspx?prmID=6952&prmBL=6560-10 for an example). Table 1 breaks down aggregates for the full 1990–2014 period in the first row, and since legislatures starting later in subsequent lines. Overall, about 6 percent of 9,103 bills initiated in six legislatures since redemocratization have urgencias reported in one tab but not the other. The pattern reveals that the *Urgencias* tab is more comprehensive than the timeline, which frequently fails to mention the urgency message that accompanied an executive initiative. But that difference has become negligible since 2002.

That both tabs are missing a substantial number of urgency messages remains possible. And likely in the early period, as a yearly breakdown of urgency usage in Table 2 shows. The proportion of bills deemed urgent during the first post-transition legislature (1990–1994) in data collected was 21 percent. This is shy of the 35 percent that Siavelis (2002) reports for the same period. Alemán and Navia (2009:404) report figures for executive-initiated legislation only in 1990–2006, approximately one-quarter of which received a simple urgency. They report that this is nearly twice as often as the other two urgency varieties (with ambiguity as to whether they are combined; I assume so), yielding 38% of executive initiatives with urgency in some degree in their dataset—below the 44% in my data.

Accordingly, this study shall focus the period since 1998, when urgency usage resembles the proportions reported by Siavelis. (Other reports?) Data reveals important

Year	Mociones			Mensajes		
	no	yes	N	no	yes	N
1990–1991	.98	.02	134	.71	.29	156
1991–1992	.97	.03	150	.59	.41	162
1992–1993	.92	.08	148	.68	.32	164
1993–1994	.95	.05	85	.62	.38	141
1994–1995	.94	.06	208	.64	.36	153
1995–1996	.94	.06	154	.64	.36	121
1996–1997	.95	.05	111	.70	.30	71
1997–1998	.92	.08	85	.47	.53	58
1998–1999	.92	.08	89	.29	.71	65
1999–2000	.84	.16	91	.43	.57	67
2000–2001	.91	.09	127	.53	.47	66
2001–2002	.93	.07	138	.42	.57	80
2002–2003	.96	.04	183	.49	.51	102
2003–2004	.93	.07	172	.38	.62	99
2004–2005	.94	.06	219	.58	.42	107
2005–2006	.92	.08	200	.32	.68	90
2006–2007	.94	.06	692	.27	.73	79
2007–2008	.94	.06	746	.17	.83	108
2008–2009	.93	.07	528	.19	.81	103
2009–2010	.95	.05	348	.29	.71	99
2010–2011	.94	.06	530	.13	.87	102
2011–2012	.92	.08	578	.12	.88	109
2012–2013	.94	.06	553	.10	.90	87
2013–2014	.96	.04	339	.30	.70	106
1990–1994	.95	.05	517	.65	.35	623
1994–1998	.94	.06	558	.63	.37	403
1998–2002	.90	.10	445	.42	.58	278
2002–2006	.94	.06	774	.45	.55	398
2006–2010	.94	.06	2,314	.23	.77	389
2010–2014	.94	.06	4,314	.20	.80	793
1990–2014	.94	.06	6,608	.44	.56	2,459
2000–2014	.94	.06	5,353	.30	.70	1,337
1990–2006	.93	.07	2,294	.56	.44	1,702

Table 2: Proportion of legislative- and executive-initiated bills receiving at least one urgency message by period

variations above and below the mean usage that deserve scrutiny. It also shows that urgency messages are quite often attached to bills initiating in Congress. Alemán and Navia (2009) focus on the urgency as means to accelerate and improve the chances of the president's agenda, leaving aside other possible usages of the urgency power that are interesting.

References

- Alemán, Eduardo and Patricio Navia. 2009. "Institutions and the Legislative Success of 'Strong' Presidents: An Analysis of Government Bills in Chile." *Journal of Legislative Studies* 15(4):401–19.
- Siavelis, Peter. 2002. Exaggerated Presidentialism and Moderate Presidents: Executive-Legislative Relations in Chile. In *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif. New York: Cambridge University Press.