

# Presidents on the Fast Track: Fighting Floor Amendments with Restrictive Rules\*

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## Abstract

Among Presidents' formidable proactive legislative powers is fast-track authority, sometimes called urgency authority. Seven Latin American presidents have the constitutional prerogative to impose on lawmakers a short time limit to discuss and vote bills using this track. The U.S. president has also been granted this authority through statutes. Yet, fast-track mechanisms are not always intended to set the agenda and speed legislation along. While in most countries non-compliance with the deadline has consequences for the legislature, there are cases where the absence of congressional action before the target date has no repercussions. We claim that fast track mechanisms may conceal motivations unrelated to speed. We argue that this authority gives presidents the ability to protect bills and agreements from undesirable amendments, transforming the president into the sole member of a Rules Committee with the unique ability to impose closed rules on the floor. We derive hypotheses from a formal model of restrictive rules and test them using data from Chile for the 1998–2014 period. Extant research on Chile has shown that most executive proposals become urgent at some stage, and while urgency correlates with the odds of passage, they have found little evidence that it speeds consideration of the president's agenda in Congress.

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# 1 Introduction

It is well established that executives in presidential systems have legislative powers to achieve their goals. The most extended and better known is the veto, yet many other procedures exist that enable presidents to be part of the lawmaking process alongside Congress. One of them is executive decree powers, a centerpiece in many presidential constitutions. Characterized upon first glance as usurpation of the legislature's decision rights, we know now that countries vary in the extent to which assemblies become involved in the approval of decrees. Another mechanism that increases presidents' influence in the legislative agenda is fast track authority. Fast-track authority gives presidents the power to set the agenda by imposing a requirement to hold a vote on a bill within a certain period of time, allowing the executive to interfere with congress' voting schedule and floor control.

Fast-track authority seems to contradict classic notions of separation of powers. In Federalist 47, Madison argues that the "magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law" (Madison 1961). The Framers also warn against expediting lawmaking and arresting deliberation. "In the legislature promptitude of decision is oftener an evil than a benefit" (Hamilton 1961).

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Despite these concerns, eight presidential systems of the Americas give executives fast-track authority: Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Uruguay, and (in statutes) the United States (García Montero 2009, Morgenstern 2002). A shared characteristic of fast track authority is that if the legislature fails to act within a certain period, the bill either becomes a law without the legislature's approval, or the whole legislative process comes to a halt until the floor votes on the bill. For example, in Brazil the president can declare any executive-initiated bill "urgent" at any time. The assembly must act on bills marked urgent within forty five days, else the bill takes precedence over all other legislative business. In Uruguay, legislators must act within a pre-specified, short period of

time, as failure to do so converts the fast-tracked bill into law. Thus, by institutional design, the president has an effective tool to influence the congressional agenda, as she can force Congress the debate and vote on a bill.

A puzzle emerges. Given the presumed motive of achieving a faster pace, it strikes that some fast track mechanisms are not binding. That is, no formal consequences fall upon legislators not complying with deadlines. Such are the cases of Chile, Colombia, and Mexico, where failure to act within the specified period neither stops the whole legislative process nor automatically turns the bill into law. Scholars have argued that the benefit of fast-track authority in these cases may lie in its signaling capacity. Quoting a former legal chief of staff at the Chilean Presidency, Berríos and Gamboa (2006) describe the thirty day deadline as “merely symbolic, exerting no real pressure on Congress” (p. 117). As we explain below, shorter deadlines can be chosen in Chile and Alemán and Navia (2009) see these as “signals of presidential attention” (p. 404), so the assembly may face unobserved political costs by ignoring or rejecting salient proposals.

Fast track authority may conceal purposes beyond providing signals or setting the agenda. This paper builds a solution to the puzzle presented by the existing literature. We claim that the very need for speedy passage calls for mechanisms to accelerate the legislative process, and those mechanisms, scarcely noticeable, protect bills from amendments on the floor. When the president labels a bill as urgent, this bill cannot be changed on the floor, which makes for a faster approval process but also protects presidential preferences.

We find that the literature has largely ignored this important consequence of the rule: when urgent bills come to the floor, *they cannot be modified*. Legislators have to vote them up or down, with no possibility to introduce amendments. Thus, when qualified as urgent, the bill passed by the floor is identical to the one that emerged from committee. Urgency therefore protects the agreements reached in committee as they cannot be undone later in the plenary session.

The case of Chile illustrates this point well. By means of fast-track authority, the pres-

ident is able to decide whether a bill will proceed to the floor with a closed rule or will be open for floor amendments. This means that, unlike the case of the United States, where committee members negotiate with the leadership and the Rules Committee to receive closed rules towards floor consideration, in Chile committee members negotiate with the president to receive such rule. In other words, in Chile the president takes on the role of the congressional leadership and Rules Committee combined.

The paper proceeds as follows. Section 2 engages with the existent literature and describes the differences among fast track authority in presidentialisms in the Americas. In section 3 we show the differences between bills with and without fast track authority, emphasizing how fast track can be used not only to speed up the process, but also to protect bills from the floor amendment process. We schematize the sequence of committee reports and floor readings to show that it is much harder to introduce plenary amendments to urgent than non-urgent bills. Section 4 extends a simple model of restrictive rules from the U.S. to fast track authority. The spatial model highlights the logic behind the procedural choice: when the executive anticipates that a committee report is vulnerable to floor amendments, she declares it urgent imposing a take-it-or-leave-it vote on the floor. We derive testable hypotheses. Section 5 tests them with data from Chile. Examination of all bills in the 1998–2014 period through multivariate analysis shows that, other features constant, bills reported by committees chaired by the president’s party/coalition have a higher probability to become urgent. Section 6 concludes.

## **2 Constitutional urgency authority**

Urgency authority gives substantial agenda power to the president. This occurs in two fronts. The ability to bring bills to the top slots for consideration lets the executive reprioritize legislative business. And by setting a deadline, she can force the legislature to decide on issues that many would have otherwise preferred to keep dormant.

The study of fast track authority is scant and mostly descriptive. The pioneer study of Latin American legislatures mentions the urgency authority's potential for research without further examination (Morgenstern 2002). García Montero (2009) takes a step further by intersecting this power with other institutional features in a typology of Latin American presidents. Arguing that the more power to impel debate and vote of their proposals, the greater the presidential role and influence in the legislative process, she pinpoints seven constitutions including urgency prerogatives in the region. And Alemán and Tsebelis' (2016*b*) edited volume on lawmaking in Latin America lists urgency authority among the president's agenda setting tools. Their analysis is valuable by situating this power in contrast with other tools. In the concluding chapter, the editors explain that presidents "use urgency motions to prioritize bills in the congressional calendar" (Alemán and Tsebelis 2016*a*:229).

Fast track authority varies across constitutions. Three variants exist depending on the consequences of legislative inaction: plenary arrest, automatic adoption, and indeterminacy. Brazil offers the first type: the president may qualify any executive-initiated bill urgent at any time during the legislative process, and each chamber of Congress has forty-five days to consider and vote it. If they fail to do so, congressional activity comes to a halt until it approves or rejects the urgent bill (art. 64, Brazil Constitution). Although Hiroi and Rennó (2016) find that urgent bills have a higher probability of passage, Figueiredo and Limongi (2000:164) argue that the prerogative "is not extensively used since the provisional decree [*medida provisória*] is a much more efficient way of speeding up and approving legislation".

The constitutions of Ecuador, Paraguay, and Uruguay are of the automatic adoption variant. If Congress fails to act within a pre-specified, short period on bills qualified as urgent, they become law. Fast track authority of this type, akin to France's *vote bloqué* (Huber 1996*a*), increases the legislative influence of the president significantly. And it seems quite close to decree power—it allows presidents to change the status quo with a law

without any congressional action (Carey and Shugart 1998). However, these constitutions also set limits to the presidential power.

The Uruguayan constitution, giving Congress one-hundred days to consider urgent legislation, is the most restrictive. One bill only can be qualified as urgent at any time, and budgets as well as bills requiring super-majorities for passage are excluded. More significantly, either chamber can override the urgency by a vote of three-fifths of the membership. Chasquetti (2016) reports that since 1967, when it was adopted, only fourteen bills have received urgent qualification, of which eight became law. He also acknowledges that the main motivation for using the fast track authority was discharging standing committees of bills they were holding up. The 1998 and 2008 Ecuadorean constitutions, giving the assembly thirty days to modify, approve or reject urgent bills, also constrain the president in that she can only qualify one bill at a time as urgent, and only those related to economic issues (Morgenstern, Polga-Hecimovich and Shair-Rosenfeld 2013). And the Paraguayan, granting Congress thirty days to consider and vote urgent legislation, is the most permissive. The 1992 constitution gives the president latitude to declare urgent bills of any type, at any point during the legislative process.

And the Chilean, Colombian, and Mexican constitutions are indeterminate. While all mandate a thirty-day period for each chamber to consider and vote bills that presidents qualify as urgent and place no restrictions to the type of legislation eligible, neither sets a reversionary outcome (i.e., plenary arrest or automatic adoption) if the legislature has not acted when it expires (Carroll and Pachón 2016, Magar 2014, Nolte 2003).<sup>1</sup>

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There are no studies of urgent bills in Colombia and Mexico that we know of. But Chile's urgency authority has been examined more extensively, with controversial findings and an apparent paradox. No acceleration effects are apparent. Data shows no difference

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<sup>1</sup>The Mexican president earned urgency authority in 2012 and is constrained in timing and frequency: she can introduce two "preferential" bills at the beginning of ordinary legislative periods in February and September.

in the pace of bills declared urgent, which take about 29 weeks until they reach the floor, and the rest, which take about 29.7 weeks. For example, in his study of the urgency prerogative in Chile's first post-transition administration, Siavelis (2002) revealed the high frequency with which President Aylwin qualified bills as urgent, and found mixed evidence on whether such bills had a more expedited legislative process and an improved likelihood of passage. Given that fast track authority does not seem to expedite legislation, one would expect the president not to use them at all. However, this is not the case: about 60 percent of executive proposals are declared urgent during the legislative process.

In the same vein, when analyzing the relationship between Congress and the president, Nolte (2003:51) argues that fast track authority does not give the Chilean president much power to determine the fate of her initiatives. He claims that in Chile an urgent bill still needs congressional support to become law, so the size and discipline of the president's congressional majority is the determinant factor, much more important than the institutional prerogatives to declare bills urgent. He also emphasizes that the President has no mechanism to sanction Congress if the latter does not act within a certain number of days.

Other authors note that even though urgent bills do not carry strong weight, it is possible that they are used as a signaling device. Alemán and Navia (2009) argue that the bills the president declare urgent are those that encompass the president's legislative priorities. They find that "bills that receive immediate and suma urgency motions appear significantly more likely to pass" (p. 404). Although these findings show that the president's priorities do become law, it is not clear what mechanism is behind the "urgent" label. Other authors also note that urgent bills are at the top of the agenda, leading them to argue that the main effect of urgencies is to determine the schedule, in committees and on the floor (Aninat 2006).

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Thus, in all and as part of a literature that highlights the extraordinary legislative influence of presidents in Latin America, emphasis has been placed on presidents' exclusive proposal rights for certain bills, their capacity to veto bills totally and partially, and to pro-

pose amendments at different stages of the legislative process (Alemán and Navia 2009, Baldez and Carey 1999, Carey and Shugart 1998, Tsebelis and Alemán 2005). Less attention has been devoted to the influence granted to the president when she can declare certain bills urgent and by doing so, affect how congress deals with its agenda. We view this influence as stemming from the prerogative to qualify bills “urgent”, which in certain cases imposes restrictive rules for floor consideration, apart from acting as a bill accelerator or a signal of presidential priority. Our argument here joins a growing literature on restrictive rules in legislatures worldwide.<sup>2</sup>

### **3 Fast track authority and the closed rule**

The United States is different in three respects. It grants presidents fast track authority on a single issue, international trade. It does so through statutes with a sunset clause, not the constitution. And, most important for our argument, it explicitly mandates a restrictive procedure, the closed rule, towards floor consideration of bills in the fast track. We elaborate each in turn.

The first difference resonates with Latin American cases, such as Ecuador or Uruguay, restricting the scope of urgency authority. The U.S., where it goes by the moniker of Trade Promotion Authority, excludes all bills other than international trade agreements. NAFTA is perhaps the most notable achievement, but agreements with a dozen other partners have gone into effect through fast track in Congress, in addition to the Uruguay Round of the GATT and its later transformation into the World Trade Organization (Fergusson 2015).

The second is a more fundamental difference. Fast track authority is a delegation from Congress to the president, with an expiration date attached. Fast track authority was adopted in 1974, then extended eight more years in 1980, when it was set to expire, and

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<sup>2</sup>See Amorim Neto, Cox and McCubbins (2003), Calvo (2014), Cox and McCubbins (1997), Den Hartog (2004), Dion and Huber (1996), Döring (2003), Heller (2001), Huber (1996*b*), Krehbiel (1997), Schickler and Rich (1997), Sin (2014), Weingast (1992), among others.



five more in 1988. It was again adopted for a five year period in 2002. This features puts Congress in control, choosing to activate the fast track when the taste for trade overlaps sufficiently with the administration. It could conceivably rescind it prematurely if disagreement with the executive became evident.

It is the difference of procedure that is most interesting. Under this authority, trade agreements are considered under “expedited legislative procedures”. In this way, the chambers suspend their ordinary legislative procedures and once trade agreements reach the floor, they cannot be amended and must be debated and a take-it-or-leave-it vote held within a short period of time. The rationale is, in distributive politics fashion, that members of Congress can commit credibly to not peel off bits and pieces of the agreement that constituents or interest groups loathe (McCubbins, Noll and Weingast 1987). When too many members do it, the agreement unravels. So they tie their hands—they can always reject the whole thing if general benefits of the agreement do not offset costs (Destler 1991; 1992, Goldstein 1988, Haggard 1988, Lohmann and O’Halloran 1994, Margolis 1986).

Fast track authority in the U.S. highlights this important consequence of the rule that has been overlooked by the comparative politics literature: when urgent bills come to the floor, *they cannot be modified*. Latin American constitutions remain silent about this. But in Chile, a case we analyze below, the standing rules of Congress mandate a closed rule as fast track does in the U.S. (Soto Velasco 2015).<sup>3</sup>

## 4 An example

To illustrate how fast track authority, when combined with restrictive rules for passage, achieves the goal of speeding bills along while ensuring the president outcomes of her liking, we develop a hypothetical bill and two amendments. The proposal aims to offer student grants while also paying for teacher compensations. Three articles, summarized in

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<sup>3</sup>See the Cámara’s standing rules (*Reglamento*), especially arts. 118–189.

Table 1: One proposal and two amendments

	original version	amendment
Art 1.	appropriate \$200	\$300
Art 2.	split in two equal parts $(\frac{1}{2}, \frac{1}{2})$	$(\frac{1}{4}, \frac{3}{4})$ split
Art 3.	one for students, one for teachers	—

Table 1, make the bill up. The first funds the program, appropriating \$200. The second splits the funds into equal parts. And the third allocates the parts. So, if approved, students and teachers would receive \$100 each.

Add tension by assuming a prior commitment of \$150 for teachers. To honor this, a committee member offers an amendment to article 1 (against the committee chair's will). If approved, this would beef up funds to \$300. Committee chairs, or a majority of committee members, or other powerful cameral officers (e.g. the Appropriations committee) may or may not be able to derail undesired amendments in committee—by declaring them inadmissible, outside time constraints, adopting special rules, and so forth. This would be a form of *ex-ante* veto: if unwilling to appropriate extra money, the committee may prevent the amendment. In which case, the distributive route remains practicable: less for students, more for teachers. An amendment to article 2, such that teachers get three-fourths of the \$200 fund, would honor the commitment—at the students' expense. If offered later in the process, when the bill enters the floor stages, it should also make it harder for the chair and other veto gates to act against the second amendment.

EMM 29/5/18 COMPLICATION FOR GENERALIZATION: FRAME ASSUMES A FORWARD AGENDA, COMMON IN THE WORLD BUT DISTINCT FROM THE BACKWARD AGENDA USED IN THE US (SEE SCHWARTZ CITE) -> INVOLVES KILLING THE STATUS QUO FIRST, THEN AMENDING (US AMENDS FIRST, FINAL VOTE AGAINST SQ)... NOT SURE HOW TO DEAL WITH THIS REGARDLESS OF WHETHER OR NOT AMENDMENT P1 IS DROPPED FROM THE EXAMPLE.

We use the example to stylize the evolution of legislative proposals from introduction to passage, in order to illustrate how urgencies affect bills. We introduce some notation.



The three-article project is  $p$ , and  $q$  is the status quo (where students and teachers get \$0 from this particular subsidy). Sub-indexes distinguish versions of  $p$  with articles amended:  $p_1$  has article 1 amended,  $p_2$  has article 2 amended, and  $p_{12}$  has both articles amended. Negotiation proceeds in four steps, schematized in Figure 1 as per Schwartz (2008).

1. The question of amendment  $p_1$ 's admissibility into the **first report** starts it all. Admitting  $p_1$  gives way to a course of play that substantially complicates down the tree.
2. The bill's **first floor reading** follows (*discusión general*). The question here is whether the full proposal should be admitted for consideration or not. If not, the legislative process ends and the status quo prevails:  $p$  v.  $q$ . If admitted, a vote on any amendments that have been proposed follows. Project  $p_1$  (amendment admitted) or  $p$  (not) is immediately referred back to committee for a second report.
3. If the committee concurs, then the **second report** is the outcome of the first reading. But this is an opportunity for committee members or by legislators external to the committee (with one-third floor backing) to offer new amendments. The committee chair and the presiding officer can fail to admit these amendments too. For the sake of simplicity, the choice here concerns only article 2, although an array of possibilities exist—more re-definitions, more articles, or fewer, among others. When amended, the second report is  $p_2$  or  $p_{12}$ , depending respectively on whether the outcome of the first reading was  $p$  or  $p_1$ .
4. The **second reading** proceeds one article at a time (*discusión particular*). Importantly, this excludes the subset of articles that were not amended/added/removed in previous steps. This subset (which may include every article if none were amended) is considered adopted with no floor vote. Rejecting article 1's amendment makes the project lose sub-index 1; likewise with article 2. So when the second report is  $p_{12}$ , the floor can accept one amendment, the other, both, or neither—as in the bottom row of Figure 1.

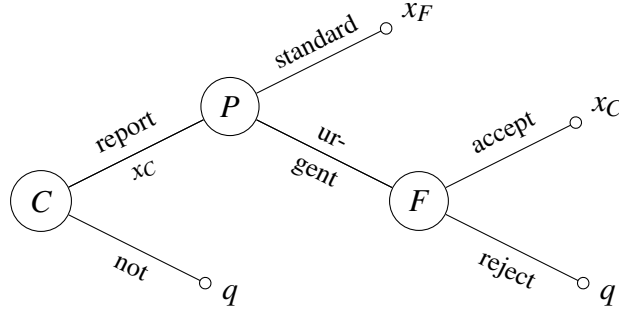
We underline how the process shortens and becomes simpler when a proposal is fast-tracked. This is a key insight from Soto Velasco (2015): when the executive fast-tracks a bill, *the bill takes a procedural shortcut*. That is, fast-tracked bills receive no second committee report, and the first and second floor readings (*discusiones general y particular*) take place at once.

Structured this way, urgency authority equips the executive with the ability to apply a restrictive rule on floor consideration. The restriction consists of precluding the second round of amendments. Figure 1 portrays this as a break mid-way in the consideration process. With urgent consideration, when the presiding officer admits  $p_1$  the floor's choice set includes  $q$ ,  $p$ , and  $p_1$  only.

This is to say, therefore, that the toolbox of formidable legislative powers of some Latin American presidents includes the ability to impose restrictive floor consideration rules. For example, in Chile, the president plays the role of the powerful Rules Committee in the U.S. House. In the next section we analyze the conditions under which presidents use fast track authority to constrain the amendment process on the floor.

Above, this paper claims that fast-track authority gives presidents the ability to protect bills and agreements from undesirable amendments, transforming the president into the sole member of a Rules Committee of sorts, with the unique ability to impose closed rules on the floor. Furthermore, the very need for speedy passage calls for mechanisms to accelerate the process, and those mechanisms, scarcely noticeable, may protect bills from the amendment process on the floor. If there is a restrictive rule attached to the urgency label, when the president labels a bill urgent, the bill will not be amendable on the floor. This guarantees a faster approval process but also protects presidential preferences.

Figure 2: The president rules game



## 5 Extending a Model of Restrictive Rules to Fast-track Authority

The Chilean Constitution of 1980 sets the institutional order allocating decision rights across the branches in Chile. Presidents are elected for four-year terms and immediate reelection is forbidden. Legislators are elected through direct elections in two-member districts. Its 120 Lower House representatives are elected for four-year terms, while the thirty-eight senators serve eight-year terms.<sup>4</sup> Throughout the nineties and at least until 2018, parties in Congress have organized in two stable coalitions, the center-left Concertación (later Nueva Mayoría), and the center-right Alianza (later Chile Vamos).

As in other presidential systems, Chilean presidents concentrate considerable legislative power (Siavelis 2002; Payne, 2006; Author, 2017). Their prerogatives include exclusive proposal power in key legislative areas such as the budget, finance, and administration. The president can affect the congressional agenda by marking bills “urgent”, which imposes time constraints on their discussion. She can also propose amendments to bills under consideration. In the twenty-four years between the return to democracy and the end of Piñera’s administration in 2014, a total of 8,483 bills were proposed. The Chilean congress passed 2,617 of those bills (approximately one third). Most of these bills had been marked urgent at some point of their life span, and defying common sense, some were marked

<sup>4</sup>A reform of the electoral system approved in April 2015, increased the number of legislators and proportionality. Changes became effective in the 2017 elections, affecting the new composition of congress.

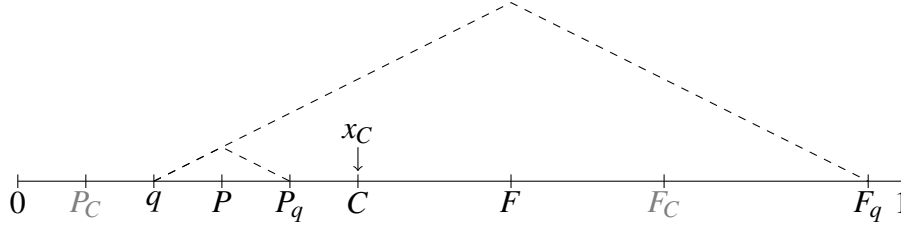
urgent several times.

However, counter mainstream expectations that more powerful presidents use their prerogatives more broadly (O'Donnell 1993; 1994), Chilean politics function in a consensual manner and presidents rarely use their more confrontational prerogatives, such as decrees and total vetoes. As other Latin American presidents, the Chilean president can enact legislation by decree, what Shugart and Carey (1998) term Constitutional Decree Authority. However, between 1990 and 2014 only two decrees were enacted in Chile, as opposed to hundreds enacted in Argentina (694 between 1983 and 2007) and Brazil (744 between 1988 and 2010). This paper assumes that consensual behavior is crafted through institutional procedures. Understanding which procedures are key in this regard is part of this paper's contribution.

We stylize fast-track authority as a game of restrictive procedures inspired by Dion and Huber (1996), with the president in the role of the Rules Committee. Figure 2 portrays the game's extended form. For clarity of presentation, we use the case of Chile to illustrate the different steps in the model.

The main features of this game are as follows. Unless there is unanimous support to suspend the chamber's rules, every proposal requires a committee report prior to floor consideration (Chilean Congress' Organic Law, art. 21). The committee  $C$  with jurisdiction over a given proposal starts the game, choosing whether or not to report the bill  $x_C$  to the floor. No explicit discharge procedure exists in Chile. This confers committees gate-keeping power over policy in their jurisdiction: when the committee withholds a report, the game ends with policy at the status quo  $q$ . Chilean committees are no different in this respect from those in the U.S. Congress. When producing a report, the committee can approve the proposal in whole or in part, amend it, make additions, or reject it (*Cámara* standing rule 287.8). We interpret this as (positive) agenda power to locate the proposal in policy space:  $x_C \in [0, 1]$ . Furthermore, committee chairs have agenda setting powers comparable to those in the U.S., their prerogatives include complete control of committee

Figure 3: Illustration of the equilibrium proposal



procedures, agenda, decision to hold secret sessions and the rejection of bill amendments (Alemán and Navia 2009, Danesi 2010).

The president moves next. During the legislative process, the president's choice set has two alternatives: let the bill proceed under standard floor consideration, or qualify it as urgent. Standard consideration ends the game with policy at  $x_F$ . By navigating the plenary session with an open rule, legislators' amendments reshape the bill to the floor median's liking. As in Shepsle (1979), we take  $x_F$  to be the floor median's ideal point, corresponding to a game of full floor influence. However, if the president marks the bill "urgent", this invokes the restrictive consideration rule and presents the floor with a take-it-or-leave-it offer. Unable to amend the proposal, the floor, which moves after the bill was marked urgent, must choose between the reported bill  $x_C$  or the status quo, as in (Romer and Rosenthal 1978).<sup>5</sup>

Model analysis is analogous to Dion and Huber (1996). The game has a unique, sub-game perfect equilibrium that we do not derive formally here.<sup>6</sup> We elaborate the bargaining logic with the example in Figure 3. The notation  $P$ ,  $C$ , and  $F$  on the line represents the ideal points of the president, the committee, and the floor median, respectively, while  $q$  is the status quo. We assume Euclidean single-peaked and symmetric preferences, so  $F_q$  is the symmetric reflection of  $q$  on the unidimensional line using  $F$  as mirror, i.e, it is the floor median's point of indifference given the location of the status quo. Other relevant

<sup>5</sup>Unlike Dion and Huber's, our game excludes the procedural stage. A rule denial, which ends the game at the status quo, is not available to the Chilean president.

<sup>6</sup>Equilibrium is akin to Cox and McCubbins (2005), Gerber (1996), Magar (n.d.), Romer and Rosenthal (1978)



reflections are noted likewise; some appear in gray and will be relevant later. Given the model's assumptions, preferred sets are easily gauged: the floor median finds policy under the larger dashed pyramid ( $x_C \in [q, F_q]$ ) preferable to the status quo; likewise, the president prefers policy under the smaller pyramid ( $x_C \in [q, P_q]$ ) to the status quo.

Deriving optimal proposals and consideration regimes is trivial. Proceeding backwards in the game tree, the floor will accept proposals under the larger pyramid, reject the rest. So everyone anticipates that urgent consideration of proposal  $x_C \in [q, F_q]$  beats the status quo. Also, because in the example  $F$  is outside the smaller pyramid, all anticipate that the president discards standard consideration ( $x_F = F$  would be the outcome). Therefore, in the example the committee can afford to send  $x_C = C$ . The President declares the bill urgent because she prefers the committee version of the bill to the floor's version.

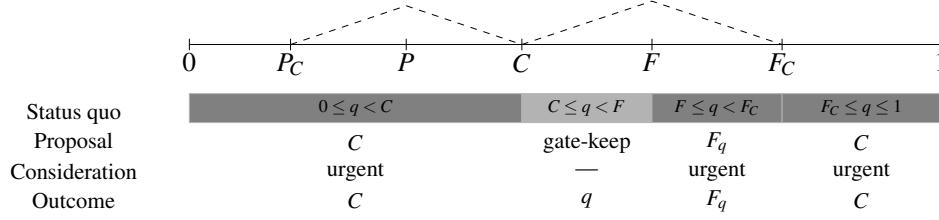
We now derive empirical implications from our theoretical model by generalizing the bargaining logic across preference profiles in Figure 4 and do comparative statics analysis. A preference profile is an ordering of players' ideal points in space. Only three of six mutually-exclusive and exhaustive profiles are portrayed:  $P < C < F$ ,  $C \leq P \leq F$ , and  $C < F < P$  (the other three are mirror-images). In each, the status quo is treated as a continuous variable  $q \in [0, 1]$ . We aim to trace how changes in  $q$  affect equilibrium elements—the proposal, the consideration regime, and the outcome—in each profile.

The example discussed falls under profile I (the status quo falls where  $P_C \leq q < P$ ). The equilibrium proposal and consideration regime discussed above, and the equilibrium outcome are listed accordingly. The discrete zones into which the policy space subdivides (the dark-gray, light-gray, and white rectangles) isolate status quos with unchanging equilibrium elements. One or more equilibrium elements mutate for status quos falling in the adjacent zone(s).

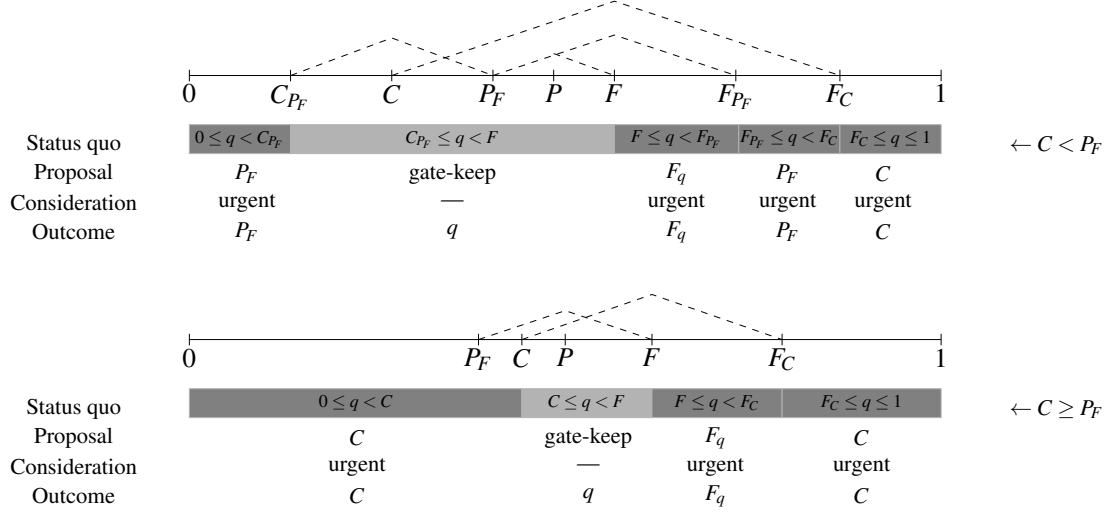
Our main question is under what conditions will a bill become urgent? In other words, when will the president decide to assign the “urgency” title to a bill? We pay attention to consideration regimes: in equilibrium, status quos in dark-gray zones trigger urgent consid-

Figure 4: Comparative statics with variable status quo

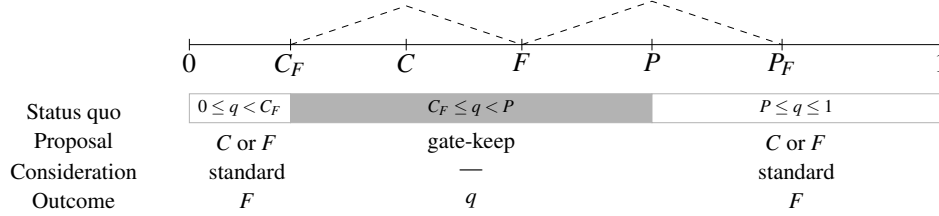
**Profile I:**  $P < C < F$



**Profile II:**  $C \leq P \leq F$



**Profile III:**  $C < F < P$



eration, and those in white zones trigger standard consideration. Status quos in light-gray zones lack a consideration regime because they push the committee to defend the status quo by withholding the bill (gate-keeping). Aided by auxiliary assumptions, empirical implications follow from comparative statics; we discuss three. To start, note that dark-gray zones predominate in Figure 4 over the light-gray and white. Urgent status corresponds to dark-gray, and the first theoretical prediction follows.<sup>7</sup>

**Hypothesis 1** Other things constant, urgent bill consideration is more likely than standard bill consideration.

Also plain in the Figure is that white areas, corresponding to standard bill consideration, occur under profile III only. The president's and the committee's ideal points stand on either side of the floor median in profile III, but on the same side in I and II. If these conditions are readily visible in theory, preference unobservability is an obstacle towards a test. Auxiliary assumptions therefore need discussion before putting a hypothesis forth: (1) chairs are dictators in their committee's jurisdiction; and (2) party determines ideal points. The first auxiliary assumption sets procedure in such way that the committee can be construed as a unitary actor. The second associates player preferences to something observable: parties. Both assumptions corresponds to what happens in Chile. First, the committee chair has strong agenda-setting prerogatives. Second, political parties are highly disciplined, voting with the coalitions they belong to most of the time. The next theoretical prediction follows.

**Hypothesis 2.a** Other things constant, standard bill consideration does not occur when the chair of the reporting committee belongs to the president's party.

Given well-documented presidential coalition discipline in Chile (Alemán and Saiegh 2007, Carey 2002), we replace 'party' by 'coalition' as measure of preferences for an alternative.

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<sup>7</sup>The supporting auxiliary assumptions are two: (1) a stochastic status quo with uniform probability density in  $[0, 1]$ , and (2) preference profiles I, II, and III in the Figure are equiprobable. Auxiliary assumptions can be relaxed, within limits, without invalidating this prediction.

**Hypothesis 2.b** Other things constant, standard bill consideration does not occur when the chair of the reporting committee belongs to the president’s coalition.

For the next implication, see what happens when the distance separating  $C$  and  $P$  remains fixed while the distance between  $C$  and  $F$  shrinks. The size of the gate-keeping light-gray zone either remains unchanged (in Figure 4’s top panel) or also shrinks (in the remainder). The latter is quite plain in the second to next-to-last panels, where  $F$  sets the upper limit of the light-gray zone. In the bottom panel,  $F$  is within the light-gray zone, but its symmetric projection  $C_F$  is the lower limit: sliding  $F$  towards  $C$  achieves the same, sliding  $C_F$  towards  $C$  does too. This projection game in the top panel involves both  $P_F$  and  $C_{P_F}$ , sliding symmetrically in opposite directions to leave the size of the light-gray area unchanged. Reliance on similar auxiliary assumptions generates the next theoretical prediction.

**Hypothesis 3** Other things constant, the likelihood of gate-keeping is never larger when the bill’s reporting committee chair belongs to to the president’s coalition than to the opposition.

## 6 Data and Analysis

We use the Chilean case to test our hypotheses regarding the use of fast tracking authority as a mechanism to constrain floor amendments. We collected original data for Chile between 1998 and 2014.<sup>8</sup> We compiled information on every bill introduced in Congress between 11 March 1998 and 10 March 2014: who introduced each bill, when, in which chamber, the issue bills deal with, their status at the time of consultation, and so forth. We also gathered information on the chronological detail of the bill’s legislative process in the House: committee referrals and reports, floor discussion and voting, navette to the Senate,

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<sup>8</sup>The *Cámara de Diputados*’ web page ([www.camara.cl](http://www.camara.cl)) was scraped in November 2014 to retrieve the record (*boletín*) of every proposal made between 11 March 1998 and 10 March 2014.

Table 2: Proposals, legislation, and urgency authority 1998–2014

<b>Part A. Executive bills</b>		
	Bills	frequency
I	introduced	1,467
II	passed	1,059
	as % of introduced	72
III	declared urgent (once at least)	835
	as % of introduced	57
IV	declared urgent & passed	641
	as % of declared urgent	77
<b>Part B. Urgency type breakdown of panel III?<sup>†</sup></b>		
	Bills declared urgent	frequency
V	Act now (once at least)	255
	as % of introduced	17
VI	Two week deadline (once at least)	540
	as % of introduced	37
VII	One month deadline (once at least)	424
	as % of introduced	29

<sup>†</sup> Categories V, VI, and VII not mutually-exclusive (see text).

and more. Of direct relevance, we coded all urgency messages received by the *Cámara*.<sup>9</sup> Earlier years antedate Internet publication and were dropped, as data completeness in the primary source remains to be verified. The period selected fully covers two Senates, four *Cámaras*, and three presidencies (plus the last two years of an earlier presidency).

Table 2 offers a general summary of bill introduction, passage, and urgency incidence. The executive sent 1,467 bills to Congress between 1998 and 2014, ninety-one yearly on average. About one in five proposals in the period were executive bills (members of Congress proposed 79 percent of all bills, not analyzed). More than one thousand proposals became law during the period, putting the executive’s success rate at 72 percent—high by Latin American standards (Morgenstern and Nacif 2002). And 835 bills became urgent during lower chamber consideration, more than half of all (57 percent). The relative term, which echoes Siavelis’ finding for an earlier period, attests to the permissive notion of ‘urgency’

<sup>9</sup>A commented version of the script and the data-set will be posted online upon publication. Data analysis was done with a multiplicity of R’s libraries.

by Chilean presidents.

A feature of importance for our argument is the distinction among types of urgency by *degree*. Although urgency authority is defined by the Constitution, Congress has distinguished urgency types through its internal rules. The congressional organic law gives the president the choice to designate ‘simple urgency’, which provide Congress with one month’s time for consideration (*urgencia simple*, setting a 30 day deadline), ‘supreme urgency’ (*urgencia suma*, which provides 15 days), or ‘immediate discussion’ (*discusión inmediata*, which provides 6 days).<sup>10</sup> Part B in Table 2 reports urgency frequencies by type.

Bills can be marked ‘urgent’ more than once. We do not refer to the possibility that a bill is designated urgent during lower chamber consideration, then again during Senate consideration (analysis, in fact, ignores upper chamber urgency); but to the fact that, during *Cámara* consideration, one same bill often received many urgency designations—e.g., an initial one month deadline is reset before its expiration, or replaced by two weeks.<sup>11</sup> Urgency chains imply that the absolute frequencies by types do not add up to the total in panel III. Least frequent were bills with one ‘act now’ deadline at least, 17 percent of all. Most frequent were those with at least one ‘two week’ deadline, more than double the latter at 37 percent. Bills with ‘one month’ deadlines were somewhere in between, at 29 percent.

We devote attention to urgency degrees because they are consequential. Degrees matter

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<sup>10</sup>See *Ley Orgánica del Congreso*, arts. 26 and 27. Congressional practice is well summarized by the library of Congress at <http://www.bcn.cl/ecivica/formacion/>. Since the constitution, by defining ‘simple urgency’ only, sets a floor for the authority, higher degrees in the organic law are vulnerable to congressional majorities, who might be inclined to relax the deadlines available if that were in their interest—as, in fact, was done once. The organic law was amended in July 2010, four months into the newly elected legislature (and concurrent presidential administration), substantially relaxing the deadlines for the ‘immediate discussion’ and ‘supreme urgency’ types, originally set at 10 and 3 days, to 15 and 6 days respectively. ‘Simple urgency’, providing one month, remained unchanged. But the Constitution (art. 66) also raises the bar for relaxing urgency deadlines by requiring the vote of four-sevenths ( $\approx 57$  percent) of each chamber’s membership for the passage and amendment of constitutional organic laws. While this qualified requirement is below the two-thirds needed for constitutional reform, no coalition has exceeded the organic law threshold in both chambers since the return to democracy.

<sup>11</sup>The modal urgent bill in the period received several such designations, sometimes renewing an urgency that was previously withdrawn. Other times the deadline for consideration was reset before the original expired, often more than once. Less common were cases changing one deadline by a shorter one. We plan to investigate the puzzling patterns of urgency chains in a separate project.

because they relate to bill passage. Alemán and Navia’s (2009) study of executive success in Congress in three post-transition presidencies finds some of the evidence sought by Siavelis (2002). Controlling for relevant features (such as the bill’s policy domain, the government’s seat margin, or the presidential agenda size), urgency degrees had quite different effects on success rates. Higher degrees strongly and significantly associate with higher probability of executive success, while the lower made no statistical difference. Since low-degree urgencies were also quite prevalent, conflating them with the rest washed off the effect of the higher-degree in Siavelis’ analysis.

Degrees also matter because two week deadlines triggered restrictive floor consideration rules in the period, whereas the highest and lowest degrees did not.<sup>12</sup> For this reason, and unless otherwise noted, by “urgency” in the remainder of this paper we mean ‘two week’ deadlines only, the type consequential for our argument (the fast track closed rule is not applicable to ‘act now’ and ‘one month’ deadlines, see the appendix). As panel VII of Table 2 reports, 37 percent of the bills that the executive initiated received one such urgency at least.

## 6.1 Fast track predictors

Systematic analysis of data in Table 2 is revealing. The units of analysis are individual executive proposals: the dependent variable *Urgent Bill* equals 1 for proposals marked with ‘supreme urgency’ while in the *Cámara*, 0 otherwise. ‘Simple urgency’ and ‘immediate discussion’ (30-day and 6-day deadlines respectively), which do not trigger the closed rule, and bills marked urgent while in the Senate, all receive the value zero. Multivariate analysis controls for preference coincidence between the president and the reporting committee, for bill features, for timing, and for the strategic environment. Formal variable definitions and descriptive statistics appear in the appendix.

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<sup>12</sup>*Cámara* rules were amended in 2014 to generalize closed consideration rules for urgencies regardless of degree. This falls outside the time span of the data we analyze.

Within the group of variables accounting for preferences, we include *Co-partisan Chair* and *Coalition Chair*, which seek to identify committee chairs' preference location vis a vis the president, and *Multiple Referrals*, which identifies bills referred to multiple committees. *Co-partisan Chair*, equals 1 if the bill was referred to a standing committee presided by a member of the president's party, and equals 0 otherwise; *Coalition Chair*, equals 1 for bills referred to committees chaired by members of any party in the presidential coalition, 0 otherwise. These two variables are different ways in which we measure our key explanatory variable, i.e., spatial proximity between the chief executive and the reporting committee. Other things constant, we expect the variable to associate positively with the dependent variable under both specifications (hypotheses 2.a and 2.b). Table 3 shows, in part A, that standing committee chairs from the president's party varied in the period, from a high of 53 percent in the 1998–2002 legislature to a low of 17 percent in 2006–10. And the opposition chaired no standing committee in 2006–10 only, but up to 24 and 27 percent in 2002–06 and 2010–14, respectively.<sup>13</sup>

As mentioned, we also include a control for multiple referrals. Nearly one quarter (24 percent) of bills in the period were referred to more than one standing committee. The 'other committee' count excludes the Finance Committee, with jurisdiction over any form of new spending (and discussed next; multiple referrals rise to 32 percent when the Finance Committee is considered). Also excluded are special and bicameral committees. A single co-partisan or coalition chair among multiple referees suffices for the indicator previously discussed to equal 1. Inclusion of the indicator *Multiple Referrals* should capture any effect of agenda control sharing among several committee chairs during the proposal's

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<sup>13</sup> *Largesse* towards opposition parties was probably aimed at beefing up the president's legislative support. The Table's parts B and C report variance in the size and status of the president's coalition in Congress. Given electoral list voting unity since the return to democracy (Alemán and Saiegh 2007, Carey 2002), the seats they control are a good indicator of the executive's legislative support. The coalition remained in control of the *Cámara* throughout the period, but controlled Senate majorities between 2006 and 2010 only (I BELIEVE THIS WAS A SHORT PERIOD OF LESS THAN ONE YEAR, WILL CHECK) (coinciding with the first Bachelet administration). By requiring 67, 60, and 57 percent votes of each chamber, respectively, constitutional reform, constitution-interpreting legislation, and organic laws therefore always required support across the aisle.



Table 3: The president's status in Congress and its committees. Percent chairs/seats by party. The president's coalition in 1998–2010 was Concertación; it was Alianza afterwards. Regional includes major-party splinters (from Christian Democrats and UDI). President's status in the Senate slightly and briefly oscillated above and below majority due to vacant seats. Source: prepared with information from [www.camara.cl](http://www.camara.cl).

	1998–2002	2002–06	2006–10	2010–14
<b>Part A. Committee chairs, Cámara</b>				
President's party	53	35	17	23
Other coalition party	41	41	83	50
Opposition	6	24		27
Total	100	100	100	100
N standing committees	17	17	18	22
<b>Part B. Seats, Cámara</b>				
President's coalition	58	53	51	50
Opposition	42	48	47	48
Regional			3	2
Total	100	100	100	100
<b>Part C. Seats, Senate</b>				
President's coalition	50	50	55	45
Opposition	50	50	45	55
Total	100 <sup>†</sup>	100	100	100

<sup>†</sup>vacant seats dropped

negotiation.

The group of variables intended to capture features of the bills consists of *Hacienda Referral*, which equals 1 for bills referred to the powerful Finance Committee, 0 otherwise. Because the Hacienda Committee has special status in the Chilean Congress, it deserves to be a separate control. Unlike other standing committees, this one has jurisdiction over every bill authorizing spending in any domain. Moreover, the unanimous exception rule discussed earlier is inapplicable to *Hacienda* bills, which must be reported prior to floor consideration.<sup>14</sup> Hacienda Committee members, working in tandem with Finance Ministry staff, may or may not appropriate funds from the budget in their report to the floor (Alemán and Navia 2009). Not unlike the Appropriations and Rules committees in the U.S. House, *Hacienda* has the status of a control committee, a key asset for agenda power (Kiewiet and McCubbins 1991). *Hacienda* referral therefore controls for a subset of generally important proposals, and should associate positively with urgency authority.

Among variables accounting for the strategic environment we include three controls. *Pres. Approval* is the net presidential approval at bill initiation (i.e., the percentage of respondents who approve of the president's job minus the percentage who disapprove).<sup>15</sup> To the extent that presidents with higher public opinion rating are more successful in the legislative arena (Alemán and Navia 2009, Bond and Fleisher 1990), they should also need urgency authority less often, and reliance might therefore drop. *Introduced in Senate* equals 1 for bills initiated in the upper chamber, 0 otherwise. By virtue of being smaller, enjoying longer terms, and not being firmly under the president's coalition control during most of the period, bills sent or initiated in the Senate might present systematic differences in urgency usage. And *Senate Majority* equals 1 if the president's coalition controlled half or more of upper chamber seats when the bill was initiated, 0 otherwise.<sup>16</sup> Other things

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<sup>14</sup>Standing rules (*Ley Orgánica del Congreso*) arts. 17 and 21.

<sup>15</sup>Data are from the *Centro de Estudios Públicos* bi-yearly face-to-face opinion polls, available at [www.cepchile.cl](http://www.cepchile.cl).

<sup>16</sup>Parties in the presidential and opposition coalitions were tied throughout most of the 1998–2006 Senate (majority briefly oscillating back and forth in the first years due to member indictments, impeachments, and deaths in both coalitions). Ties are coded as *Senate Majority* = 1.

equal, presidents with sufficient partisan legislative resources in both chambers will find it easier to push proposals through Congress, and might be less inclined to use the fast track prerogative to successfully navigate log-rolls through the plenary session.

The group of variables accounting for timing control for different aspects of the congressional cycle. *Year Remaining* (and its squared value to capture non-linearity, if any) measures the percentage of the legislative year remaining at bill initiation. Chilean legislative years begin after the (meridional) Summer break. So the variable adopts value 100 for proposals introduced on March 1 (the first day of the legislative year), and value 0 for proposals introduced the last day of February. It should control for stationarity in the data. And *Relax Deadlines* equals 1 for bills initiated in July 2010 or later, 0 otherwise. Any systematic shift in urgency usage attributable to the reform extending deadlines of high-degree notices five months into the 2010–14 legislature should reflect in this coefficient.

## 6.2 Model Specification and Results

Given that observations from four elected legislatures, with important differences in the types and the volume of proposals considered (Alemán and Navia 2009) are pooled, heterogeneity might interfere. So we fit two additional model specifications for robustness verification. One includes fixed legislature effects—i.e., three dummies for bills initiated in the 2002–06, 2006–10, and 2010–14 periods, respectively; the excluded 1998–2002 dummy is the baseline. Another adds further flexibility by also estimating separate errors for bills initiated in each legislature (a so-called mixed effects model, Gelman and Hill 2007:262,302).

Estimation is with a generalized linear model for the mixed effects fit, and logit for the rest. We normalized continuous variables *Pres. Approval* and *Year Remaining* to speed the GLM’s convergence.<sup>17</sup> Normalized measures were used throughout for model comparabil-

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<sup>17</sup>As suggested in <http://stackoverflow.com/questions/23478792/warning-messages-when-trying-to-run-glmer-in-r> and [https://rstudio-pubs-static.s3.amazonaws.com/33653\\_57fc7b8e5d484c909b615d8633c01d51.html](https://rstudio-pubs-static.s3.amazonaws.com/33653_57fc7b8e5d484c909b615d8633c01d51.html).

ity.

Table 4 reports results,<sup>18</sup> and we find support for our main hypotheses. In line with our expectations, coefficient estimates confirm that both variables measuring the proximity of committee chairs with the president increase the likelihood that the president will mark bills with supreme urgency and set off the closed rule for floor consideration. *Co-partisan Chair* has a positive coefficient in model 1, as expected.<sup>19</sup> The evidence is much stronger for the variable's other specification: the coefficient for *Coalition Chair* in models 2–4 is also positive, more than triples in size, and achieves p-values below .001. This matches what scholars have documented, i.e., that the coalition is as good a predictor of presidential support in Congress—or better, in our case—as the party. The finding is robust across model specifications. In general, all model coefficients remain pretty much unchanged in size and significance when fixed and mixed effects are included on the right side (we are forced to drop variables *Senate Majority* and *Relax Deadlines* due to co-linearity with legislature dummies).

Figure 5 reports changes in the average predicted probability that a bill is marked urgent associated with unit changes in model 3's explanatory variables (all other regressors at their mean value). This is a convenient way to gauge logit regression coefficients, by translating them into interpretable quantities. A report from a committee with a coalition chair experiences a 0.23 hike (0.06 standard error) in the likelihood of getting a closed rule compared to a report by an opposition-chaired committee. The effect is nearly as big as the average marginal effects of *Hacienda Referral* (0.26), which we expect to be correlated with mostly high-significance bills that involve spending, and double that of *Multiple Referrals* (0.12), which we view as an indicator of bill complexity. We find no statistical evidence to reject

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Normalization re-scales and centers the measures in order to improve parameter identification.

<sup>18</sup>Models fitted with R base's `glm` and library `lme4`'s (Bates, Maechler, Bolker and Walker 2015). The regression model performs satisfactorily. A likelihood-ratio test of overall fit rejects the hypothesis, at below the .001 level, that an intercept-only fit is as good as our models. Predictors across model specifications correctly classify 90 percent of the observations.

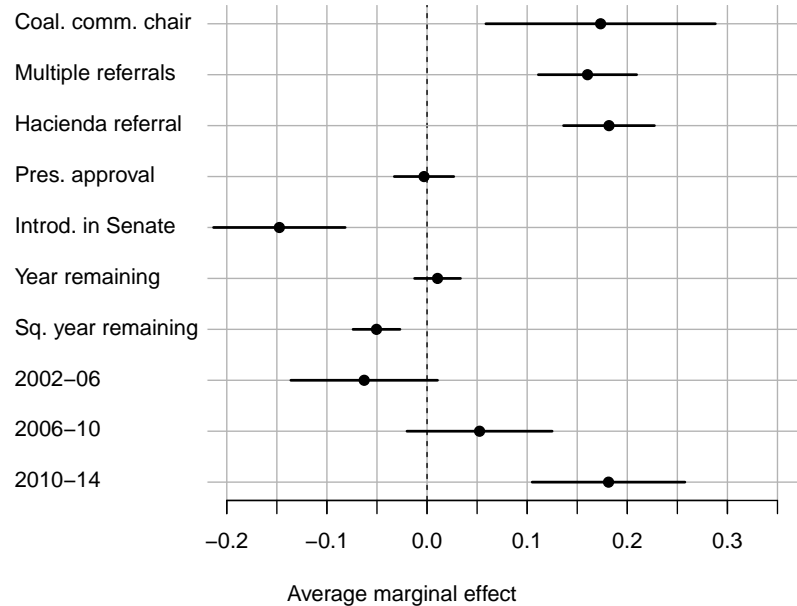
<sup>19</sup>The effect achieves conventional statistical significance (parentheses in the table report p-values, below the .01 level here)

Table 4: Executive bill fast track predictors. Model 3 includes fixed Legislatura effects (not reported). Model 4 estimates separate error terms by Legislatura. Method of estimation: generalized linear model (model 4), others with logit.

	DV: Bill on fast track (1) or not (0)			
	(1)	(2)	(3)	(4)
<i>Co-partisan Chair</i>	.289** (.024)			
<i>Coalition Chair</i>		.825*** (.005)	.874*** ( $<.001$ )	.847*** ( $<.001$ )
<i>Multiple Referrals</i>	.772*** ( $<.001$ )	.795*** ( $<.001$ )	.808*** ( $<.001$ )	.809*** (.004)
<i>Hacienda Referral</i>	1.002*** ( $<.001$ )	.940*** ( $<.001$ )	.917*** ( $<.001$ )	.923*** ( $<.001$ )
<i>Pres. Approval</i>	-.078 (.286)	-.096 (.187)	.029 (.710)	-.044 (.567)
<i>Introduced in Senate</i>	-.716*** ( $<.001$ )	-.698*** ( $<.001$ )	-.744*** ( $<.001$ )	-.730*** ( $<.001$ )
<i>Senate Majority</i>	-.251 (.214)	-.319 (.110)		
<i>Year Remaining</i>	.072 (.223)	.065 (.268)	.053 (.370)	.053 (.368)
<i>(Year Remaining)<sup>2</sup></i>	-.224*** ( $<.001$ )	-.238*** ( $<.001$ )	-.255*** ( $<.001$ )	-.251*** ( $<.001$ )
<i>Relax Deadlines</i>	.479* (.057)	.394 (.104)		
Intercept	-1.030*** ( $<.001$ )	-1.570*** ( $<.001$ )	-1.926*** ( $<.001$ )	-1.708*** ( $<.001$ )
Effects	none	none	fixed	mixed
Observations	1,467	1,467	1,467	1,467
LogL	-864	-862	-852	-859
% correct	67	68	68	68

\*p<.1; \*\*p<.05; \*\*\*p<.01 (p-values in parentheses)

Figure 5: Average marginal effects from model 3. Dots report how the probability of an urgent bill changes in response to a unit change in each independent variable, all else at mean values; bars are 95-percent confidence intervals.

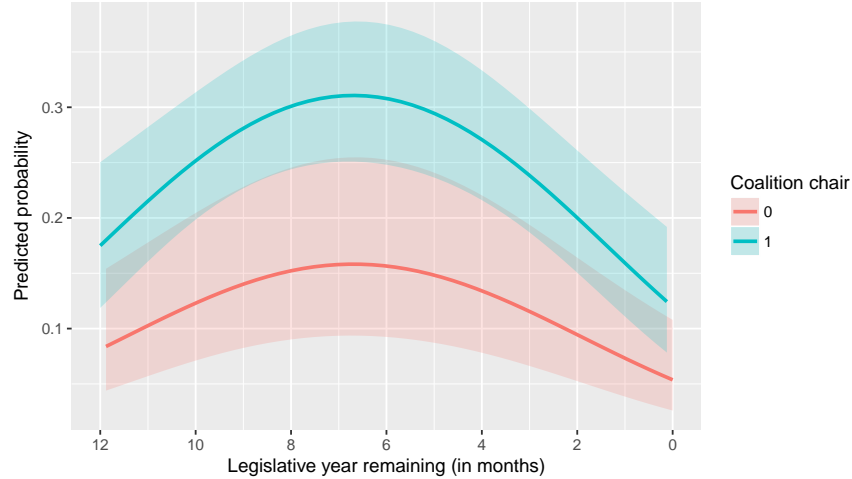


our Hypothesis 2.

The large effects of *Hacienda Referral* and *Multiple Referrals* deserve comment. They suggest, first, that when spending gets in the way, restrictive rules are the norm in Chile. Recall that *Multiple Referrals* exclude the Finance Committee, so there is an independent effect of bills with jurisdictional overlaps worth investigating further, and which must be associated to the higher complexity of bills referred to multiple committees. Furthermore, note that the Finance Committee was always chaired by a coalition member but, with the exception of the 1998 to 2000 period, never by a co-partisan of the president. This may explain the milder effect of the partisan specification of our key variable in model 1.

Another effect worth highlighting is *Introd. in Senate*. Bills successfully passing the upper chamber first, where the opposition was systematically larger and at times in control, were much less likely to get urgent status (the average marginal effect is  $-0.16$  and significant). This suggests that agreements and compromises reached in the Senate ignited less, not more, protection from floor amendments in the *Cámara's* plenary, most likely as a con-

Figure 6: Probability of urgent bill consideration. Predictions are from from model 3 letting *Year Remaining* vary in full range, with 95-percent confidence bands. Other variables set at the following values: *Multiple Referrals* = 0, *Hacienda Referral* = 1, *Pres. Approval* at its median, *Introd. in Senate* = 0, and *2006-10* = 1.



sequence of the greater preference divergence between the President and the opposition-led Senate.<sup>20</sup>

Finally, there are time trends in fast-track authority usage that simulations reveal neatly. Figure 6 portrays the predicted probability that a bill gets urgent status throughout the legislative year. Regressors in model 3 are held constant to simulate a bill sent to the *Cámara* in the 2010–14 Legislature and referred to *Hacienda* and just one standing committee. The *Pres. Approval* (insignificant across models) is set to the median value in the period. The inverted-U shape shows how urgency probability, predicted at 0.2 for coalition-chaired committees at the start, and 0.075 for the rest, becomes much likelier in the first half of the legislative year. By the second quarter (June–August), the probability is at its maximum, about 0.37 percent and 0.16, respectively. It then experiences a sharp drop, ending the austral Summer break at 0.16 for coalition-chaired committees, and 0.05 for others. And the gap between the 95-percent confidence bands of the predictions is quite plain, giving confidence that we are picking up a signal and not just random noise.

<sup>20</sup>An interesting line for future research would be to analyze inter-chamber negotiation and the reliance on urgency in the upper chamber.

## 7 Discussion

LO DE HOWEL MOE NO QUEDABA BIEN EN SECCION 3, DISTRAIA. LO MOVI AQUI. LEER HOWELL Y MOE A LA LUZ DE NUESTROS HALLAZGOS PARA MOSTRAR POR QUE LE DEBE IMPORTAR NUESTRO PAPER A UN AMERICANISTA.

In an excellent and very provocative book, Howell and Moe (2016:145) make an argument in favor of giving US presidents fast-track authority in all realms of policy, not just trade agreements. They argue that in order to have a coherent and effective government, a constitutional reform needs to put the president at the center of the legislative process by giving her fast-track powers: “presidents should be granted enhanced agenda-setting powers to propose bills to Congress, which Congress should then be required to vote on without amendment, on a strictly majoritarian basis, within a fixed period of time. [...] [T]he Constitution would be amended to grant the president *permanent* fast-track authority over *all* policy matters (including budgets and appointments).” If Congress fails to act with a certain period of time, then the presidential proposal should become law. This reform would make the US closer to the design of Uruguay, Ecuador, or Paraguay in Latin America.

The first difference that sets apart fast-track mechanisms in the United States and elsewhere is the fact that while it is Congress that authorizes this authority in the US setting, in Latin America it is the president that can impose this label on bills and affect the process that takes place in congress. Likewise, since the late Nineteenth Century, restrictive rules are the domain of the Rules Committee in the U.S. House (Cox and McCubbins 2005, Den Hartog 2004, Sin 2014). However, it is the president who has possession of this key legislative prerogative in Chile. The executive branch decides which bills go to the floor with a closed rule.

This paper has elaborated some implications of this peculiar, inter-branch institutional arrangement. It argues that where fast-track mechanisms take the form that they take in Latin America, i.e., where it is the president that imposes the procedure on congress, then



we should expect it to be associated to mechanisms that will ensure that presidential preferences are to some extent preserved. The case of Chile illustrates how this combined institutional arrangement is used, in fact, when the president can rely on committees having preferences proximate to her own.

Empirically, we found that when the committee chair's preferences are closer to those of the President, then the probabilities that bills will be labeled as urgent increases. That is, when committee chairs negotiate and agree with the president on the bill they want to see enacted, the president imposes a closed rule on it to prevent the bill from being modified by the floor. In other words, this institutional tool takes away bargaining authority from the floor majority and places it in hands of committee chairs. Committee chair and President commit to a deal that cannot be undone because it is protected by an urgent label that secures a closed rule.

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## 8 Appendix

### 8.1 Dichotomous variables

Variable	Definition	=0	=1	Total
<i>Urgent bill</i> (Dep. Var.)		927	540	1,467
		.632	.368	1
<i>Co-partisan comm. chair</i>		832	635	1,467
		.567	.433	1
<i>Coalition comm. chair</i>		99	1,368	1,467
		.067	.933	1
<i>Multiple referrals</i>		1,096	371	1,467
		.747	.253	1
<i>Hacienda referral</i>		732	735	1,467
		.499	.501	1
<i>Introduced in Senate</i>		1,224	243	1,467
		.834	.166	1
<i>Senate majority</i>		512	955	1,467
		.349	.651	1
<i>Relax deadlines</i>		1,094	373	1,467
		.746	.254	1
<i>1998–2002</i>		1,195	272	1,467
		.815	.185	1
<i>2002–2006</i>		1,067	400	1,467
		.727	.273	1
<i>2006–2010</i>		1,075	392	1,467
		.733	.267	1
<i>2010–2014</i>		1,064	403	1,467
		.725	.275	1

### 8.2 Continuous variables

Var.	Def.	Min.	Q1	Med.	Mean	Q3	Max.	sd
<i>Year remaining</i>		0	27	51	51.5	75	100	27.1
<i>Pres. approval</i>		-39.2	-8	10.7	9.5	22.3	66.3	24.2

### 8.3 Act-now and two-week urgencies

The cámara's standing rules explicitly preclude the second committee report for bills tagged with a two-week or an act-now urgency, and rule out the bill's second reading by mandating that "general" (i.e., first reading) and "particular" (i.e., second reading) consideration take place simultaneously.

The text of the relevant Reglamento articles follows. Excerpts are from the standing rules adopted in March 10, 2002 (with text updated to March 2010).

Art. 188. When a project receives a "**two week deadline**", its discussion shall proceed thus: **There will be no second committee report** and the project shall be dispatched by the Chamber in ten days [...] **Discussion shall be general and particular at once.** Only amendments and additions rejected in committee, but renewed with the signature of thirty Deputies, including at least three committee chairs, shall be admitted for discussion and vote [...]

(In Spanish: Art. 188. *Cuando un proyecto sea declarado de "suma urgencia", se procederá a su discusión en la siguiente forma: No habrá segundo informe de Comisión y el proyecto deberá ser despachado por la Cámara en diez días [...] La discusión se hará en general y particular a la vez. Sólo se admitirán a discusión y votación las indicaciones o disposiciones que, rechazadas por la Comisiones informantes, sean renovadas con las firmas de treinta Diputados que incluyan, a lo menos, a tres Jefes de Comités [...]*)

Art. 189. When a project receives an "**act now deadline**", its discussion shall proceed thus: The project shall be dispatched by the Chamber in three days [...] **Discussion of these projects shall be general and particular at once. They will not be subject to a second committee report.**

(In Spanish: Art. 189. *Cuando un proyecto sea declarado de "discusión inmediata", se procederá a su discusión y votación en la forma siguiente: El proyecto deberá ser despachado por la Cámara en tres días [...] La discusión de estos proyectos se hará en general y particular a la vez. No serán sometidos a segundo informe.)*

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