

Restrictive rules in the Chilean Cámara: Fighting floor amendments with the urgency authority*

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Abstract

Among the formidable proactive legislative powers of Chile's president is urgency authority. Lawmakers face a short deadline to discuss and vote bills declared urgent. Extant research has shown that most executive proposals become urgent at some stage, that urgency correlates with the odds of passage, but found little evidence that it speeds consideration of the president's agenda in Congress. This paper underscores a procedural distinction of this institution that scholars have overlooked: the floor considers urgent bills under *restrictive rules*, giving presidents the ability to shield committee reports from floor amendments. Hypotheses derived from a formal model of restrictive rules are tested with data from the 1998–2014 period. We provide significant evidence that urgency messages associate with the type of restrictive rule correlates found in the U.S.

1 Introduction

The prerogative to declare bills urgent gives the president power to interfere with congress' voting schedule. Presidents with such power can impose legislators with a deadline to discuss and vote legislation by simply designating a bill "urgent". Seen against presidential

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systems like the U.S., where an impatient president has no formal resources to pressure legislators to act on stagnant legislation, urgency authority seems contradictory to 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).

Ges: Not happy about this quote yet, but I think is more appropriate than the previous one. We need something about separation of powers. The Framers warn against expediting law-making and arresting deliberation. “In the legislature promptitude of decision is oftener an evil than a benefit” (Hamilton 1961). Within this view presidents can veto bills, preventing them from becoming law, but cannot force legislators to act on specific measures.

Yet, five constitutions of the Americas give presidents such authority: Brazil, Chile, Colombia, Mexico, and Uruguay (Morgenstern 2002). In Brazil, the president can declare any executive-initiated bill urgent at any time. The assembly must act on urgent legislation within forty five days, else the bill in question takes precedence over all other legislative business. In Colombia, urgent bills go to the top of the voting schedule immediately. In Uruguay, legislators must act within a pre-specified, short period of time, as failure to do so converts the urgent bill into law.¹ In Mexico, the president can propose up to two urgent bills at the start of each biannual ordinary period, which must be scheduled for floor consideration within 30 days.²

Eric: How does this compare with special (extra-ordinary) sessions? Some presidents can summon legislators to a special session to discuss, exclusively, a specific bill defined ex-ante. Limits? If few, might resemble urgency authority... Check.

Vale: WILL LOOK INTO THIS

Ges: Little, if any connection.

In the United States, Howell and Moe (2016) argue that in order to have an effective government, the United States need to put the president at the center of the legislative process by giving him urgency powers: “...constitutional amendment that grants presidents universal ‘fast track’ authority... Presidents would craft policy proposals—which are likely to be far more coherent, well integrated, and effective than anything Congress would design—and Congress would be required to vote up or down on those proposals, within a specified period of time and on a majority-rule basis”.

Ges: I don’t have the book, do you? this quote is from an editorial in CNN. We should change it

¹ Although three-fifths of the membership of either chamber can remove the bill’s urgent status.

² Constitutional articles vesting this authority are the following: Brazil articles 62 and 64; Chile article 74; Colombia article 163; Mexico article 71; and Uruguay article 168.7.

The key element in these rules is the reversion point when Congress fails to act on an urgent measure: the whole legislative process comes to a halt (as in the case of Brazil and Colombia), the bill becomes a law (as in the case of Uruguay), there is a constitutional violation (under the Howell-Moe proposal for the U.S.). Thus, by institutional design, the president has an effective path to influence the congressional agenda: which bills should be debated and voted on the floor.

In Chile, however, failure to act on an urgent bill does not carry any kind of trigger effect. The legislative process does not stop, and bills do not become law immediately. There are no formal consequences when legislators do not consider a bill under the period of time specified in the urgency. Indeed, legislators can ignore the president's request for action. Scholars have speculated that the value of the urgency authority lies in its signaling capacity. Quoting a former legal chief of staff at the Presidency, Berríos and Gamboa (2006) describe one month notices as "merely symbolic, exerting no real pressure on Congress" (p.117). Likewise, Alemán and Navia (2009) see degrees of urgency as "signals of presidential attention" (p. 404). The assembly may face political costs by ignoring or rejecting salient proposals.

Eric: Small problem above: we still haven't introduced one month notices or notion of urgency degrees...

Our argument builds on the existing literature, but takes on a very different position. In short, we claim that urgency authority is neither a signal nor an agenda setting tool, but instead a mechanism that enhances cooperation between the executive and his party or coalition in Congress. We find that the literature has largely ignored an important consequence of this rule: when bills are labeled urgent, they cannot be modified on the floor. Urgent bills are proposals that come to the floor with a close rule: legislators have to vote it up or down, with no possibility to introduce amendments. Therefore, the bill that emerges from committee, is identical to the bill that is enacted. Urgency protects the commitments agreed to in committee as they cannot be undone later on on the floor.

The interesting element is that the president is the one that decides whether a bill proceeds to the floor with a close rule, or whether it will be open for amendments. This means that, similar to the U.S., where committee members negotiate with the leadership and the Rules Committee to receive close rules towards floor consideration, in the case of Chile committee members negotiate with the president to receive that label. In Chile, the president takes on the role of the Rules Committee.

As we will show, we posit that the urgency powers

This role opens the door for multiple strategies depending on the preferences of the President and committee members.

What is the effect of the urgency authority? Under which conditions do Presidents use it? Urgency authority has received limited attention. Siavelis (2002) stands out given the systematic nature of his study of the urgency prerogative in Chile. Analysis of Chile's first post-transition administration revealed the amazing frequency with which urgency messages were issued by President Aylwin: slightly more than one-third of proposals in Congress received some form of urgency qualification, and about nine out of ten bills marked urgent were initiated by the executive. Seeking to understand whether proposals marked urgent had a more expedited legislative process and an improved likelihood of passage, the study found mixed evidence at best. Although among executive proposals, those marked urgent underwent shorter considerations than the rest (medians of 134 vs. 160 days, respectively), there were no difference in success rates (64 vs. 63 percent).

We claim that the poor signal given by bills designated urgent in Chile may bear relation to selection bias. Strategic presidents are likely to target bills that differ from the rest in important ways, so that the set of bills receiving urgent status is not random. Right censoring may also be an obstacle. A more fundamental problem is institutional indeterminacy. Berríos and Gamboa (2006) warn against overstating the Chilean urgency authority's importance, as non-compliance entails no penalty for Congress.

This paper argues that the effects of urgency authority are procedural. Proposals the president declares urgent in Chile are considered under restrictive rules by the chamber's plenary. If the rationale is expediting the legislative process, one key consequence is to effectively shield committee reports from amendments by the plenary.

Vale: Me sigue pareciendo que está faltando una sección que discuta la literatura sobre Chile, sea en la sección 2, antes de cerrar la 1, o una nueva sección 1,5 por decir algo. Yo puedo escribir un par de páginas en ese espíritu post-APSA, y eso engancharía con lo que Ges se comprometió a escribir pre-APSA sobre el puzzle. INCLUIR a Alemán y Navia, y ver qué más

The paper proceeds as follows: Section 2 describes our data on urgency incidence. We elaborate on urgency degrees, a distinction of central importance to the study of the institution in Chile. The pooriness of the signal, we show, stems partly from overlooking urgency *degrees*. Section 3 offers our interpretation of the urgency authority as a restrictive rule. Schematizing the sequence of committee reports and plenary readings shows 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 the Chilean Congress. The spatial model highlights the logic behind the procedural choice: when the executive anticipates that a palatable committee report is vulnerable to floor amendments, declaring it urgent imposes a take-it-or-leave-it vote on the floor. Section 5 draws testable hypothe-

ses which section 6 tests. Examination of all bills in the 1998–2014 period in search of urgency authority predictors shows that, other features constant, preference similarity between the president and the committee chair (as measured by co-partisanship) associates significantly with urgency messages. Simulations further show that... Section 7 discusses some implications of our findings and section 8 concludes.

Vale: Come back to this description of the structure later. Looks like we may not need 7-8 sections, 5 may be enough?: 4 and 5 could go together, current 7 and 8 perhaps also, depending

Eric: I agree, have begun merging sections

2 Urgent legislation and urgency degrees

As part of a literature that highlights the extraordinary legislative influence of presidents in Latin America, emphasis has been placed on the Chilean president's capacity to initiate legislation, to veto bills at their final stage, and to propose amendments at different times. Less attention has been devoted to the influence gained by the president when s/he can declare certain bills urgent and affect the pace with which congress deals with its agenda. We collected original data to investigate urgency authority in Chile between 1998 and 2014.³

The source reports the general traits of legislation: who introduced the bill, when, in which chamber, the issue it deals with, its status at the time of consultation, and so forth. It also has chronological detail of the proposal's milestones in the bicameral legislative process: committee referrals and reports, floor discussion and voting, navette to the other chamber, and more. Of direct relevance, all urgency messages received by the chambers are dated. Table 1 offers a general summary of bill introduction, passage, and urgency incidence.

Almost 7 thousand proposals were made during this period, 412 yearly on average. Most legislative initiatives were by members of Congress, who made four proposals for every one made by the president (79 vs. 21 percent). But when considering success rates the branch ratio reverses, each member turning one proposal into law for every three by a president (27 vs. 73 percent). And while members' success rate was dismal (7 percent), they still managed to add about four hundred statutes in the period due to the sheer volume of legislative proposals made.

In total 1,362 bills became urgent at some point of the legislative process, that is, one proposal in five received an urgency message in the period (19 percent). The relative term

³The Cámara de Diputados' web page (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, inclusive.

Table 1: Proposals, legislation, and the urgency authority 1998–2014

| Part A. All bills | | | | |
|---|------------------------------------|-------------------|-----------------|--------------|
| | Bills | by legislators | by president | by either |
| I | introduced | 5,526 | 1,461 | 6,987 |
| | as % | 79 | 21 | 100 |
| II | passed | 404 | 1,059 | 1,463 |
| | as % | 28 | 72 | 100 |
| | as % of introduced | 7 | 72 | 21 |
| III | declared urgent (once at least) | 349 | 1,013 | 1,362 |
| | as % | 26 | 74 | 100 |
| | as % of introduced | 6 | 69 | 19 |
| IV | declared urgent & passed | 167 | 759 | 926 |
| | as % | 18 | 82 | 100 |
| | as % of declared urgent | 48 | 75 | 68 |
| Part B. Urgency type breakdown of panel III?[†] | | | | |
| | Bills declared urgent | by legislators | by president | by either |
| V | Act now (once at least) | 72 | 376 | 448 |
| | as % | 16 | 84 | 100 |
| | as % of introduced | 1 | 26 | 6 |
| VI | Two week deadline (once at least) | 193 | 681 | 874 |
| | as % | 22 | 78 | 100 |
| | as % of introduced | 3 | 47 | 13 |
| VII | One month deadline (once at least) | 259 | 583 | 842 |
| | as % | 31 | 69 | 100 |
| | as % of introduced | 5 | 40 | 12 |

[†] Categories V, VI, and VII not mutually-exclusive (see text).

attests to a quite permissive notion of ‘urgency’ by Chilean presidents. The patterns echo those uncovered by Siavelis for an earlier period: most proposals by the executive (69 percent), and few by members (6 percent) received urgent status. Again, that small percentage represented about one quarter of urgency messages in the period due to the volume of member introductions.

A feature of importance for our argument is the distinction of types of urgency by *degree*. The Constitutional Organic Law on Congress (arts. 26 and 27) defines the breadth of executive interference in legislative scheduling, giving the president a choice of designating urgencies of ‘one month’ (*urgencia simple* or 30 days), ‘two week’ (*urgencia suma* or 15 days), or ‘act now’ (*discusión inmediata* or 6 days).⁴ Part B in Table 1 reports urgency frequencies by type.

Proposals can receive more than a single urgency message—e.g., one message to the Lower Chamber, then one to the Senate when the approved bill shuttles there—so the absolute frequencies of the breakdown by urgency types do not add up to the total in panel III.⁶ Least frequent were bills with ‘act now’ deadlines, 6 percent of proposals overall. These tend to fall upon executive bill proposals, one in four (26 percent) of which had some ‘act now’ deadline. Bills with at least one ‘two week’ or at least one ‘one month’ deadline were, each, about twice as frequent (13 and 12 percent overall, respectively).

We devote attention to urgency types because they are consequential. 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, but the lower made

⁴Congressional practice is well summarized by the library of Congress at <http://www.bcn.cl/ecivica/formacion/>. The constitution, it must be noted, sets the urgency authority’s floor, defining the simple urgency (one month) only. Higher degrees are set by the organic law. High-degree urgency is therefore 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 Constitutional Organic Law was amended in July 2010, four months into the newly elected legislature (and concurrent presidential administration), substantially relaxing the deadlines for the ‘act now’ and ‘two week’ urgencies, originally set at 10 and 3 days, to 15 and 6 days respectively, as described above. ‘One month’ urgencies remained unchanged. But the Constitution (art. 66) also raises the bar for relaxing urgency deadlines by requiring the vote of four-sevenths (≈ 57 percent) of each chamber’s membership for the passage and amendment of Constitutional Organic Laws⁵. While this 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.

⁶The modal urgent bill in the period received several messages. Multiple messages were often sent over a bill to the same chamber), sometimes re-tagging as urgent a bill whose urgency was previously withdrawn. Other times the deadline for consideration was reset before the original expired. Most of these extended the deadline one or more times. Less common, but still observed, were cases changing to a shorter deadline. We plan to investigate the puzzling patterns of repeated urgency messages in a separate project.

Table 2: 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 | — |

no statistical difference. Since low-degree urgencies were also much more prevalent, conflating them with the rest washed off the effect of the higher-degree in Siavelis’ analysis.

What remains less clear is the mechanism improving the odds of bills targeted by higher-degree urgency. Scholars have speculated that the value of the urgency authority lies in its signaling capacity. Quoting a former legal chief of staff at the Presidency, Berríos and Gamboa describe ‘one month’ notices as “merely symbolic, exerting no real pressure on Congress” (p. 117). Likewise, Alemán and Navia see degrees of urgency as “signals of presidential attention” (p. 404). The assembly may face political costs by ignoring or rejecting salient proposals.

We present a different argument. The next section advances the notion that the importance of urgency authority lies not in expediting the legislative process, nor in signaling proposal salience. In Chile, urgency authority gives the bills it targets a key procedural distinction: restrictive floor consideration rules.

3 Restrictive rules

In the remainder and unless otherwise noted, by urgency we mean ‘act now’ and ‘two week’ messages only, as these are the only types that are consequential (‘one month’ messages do not attach a restrictive rule in the plenary). Our argument here joins a growing literature on restrictive rules in legislatures worldwide.⁷

A simple illustrative example of a bill and two amendments will ease exposition. In our example, we consider a proposal made by the executive that aims to offer student grants while also paying for teacher compensations. Three articles, summarized in Table 2, make it up. The first funds the program, appropriating a total \$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. To add tension, assume a prior commitment of \$150 for teachers. To honor this, a member offers an amendment (*indicación*) to article 1. If approved, this would beef up funds to \$300. One problem immediately arises: the Chilean executive

⁷See 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), Krehbiel (1997), Schickler and Rich (1997), Sin (2014), Weingast (1992), among others.

has exclusive power to introduce legislation increasing spending (Const. art. 65). Since the bill itself has already been introduced, it takes some interpretation to determine if the amendment is in fact constitutional or not. Committee chairs decide on the admissibility of amendments on such grounds—a decision that the Lower Chamber’s presiding officer can override.⁸ This is a form of *ex-ante* veto: if unwilling to appropriate extra money, the committee chair or the presiding officer could simply declare the amendment inadmissible. 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. And by leaving spending untouched, it should also make it harder for the chair and presiding officer to argue against admitting the second amendment.

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 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).⁹

1. The question of amendment p_1 ’s admissibility into the **first report** starts it all. The choice is by the chamber’s presiding officer, who has final authority to overturn the committee chair’s prior decision. Admitting p_1 gives way to a course of play that substantially complicates down the tree.
2. The bill’s **first plenary reading** follows (rules call it *discusión general*). The question here is whether the full project should be admitted for consideration or not. If not, the legislative process ends and the status quo prevails: p v. q . Next, a vote to also admit the amendment (if any) 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 to offer new amendments, by committee members or by legislators external to the committee (with one-third plenary backing). The committee chair and the presiding officer can fail to admit these amendments too. For the sake of simplicity, the choice here is just on article 2, but there is a world

⁸The Constitutional Organic Law on Congress (arts. 24 and 25) leaves discretion to committee chairs and the presiding officer to declare amendments inadmissible. Non-germane amendments, or those that increase spending, or those falling in areas of exclusive executive initiative, are explicitly mentioned as inadmissible.

⁹See the Cámara’s standing rules (*Reglamento*), especially arts. 118–189.

of possibilities—more re-definitions, more articles, or fewer. When amended, the second report is p_2 or p_{12} , depending on the first reading being p or p_1 , respectively.

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 plenary vote. Rejecting article 1’s amendment makes the project lose sub-index 1; likewise with article 2. So when p_{12} is the second report, the plenary 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 the proposal is urgent. This is a key intuition from Soto Velasco (2015): when the executive issues an urgency message, *the bill takes a procedural shortcut*. As per the Lower Chamber’s standing rules (arts. 188–9), urgent bills receive no second committee report, and the first and second plenary readings (*discusiones general y particular*) take place at once.¹⁰

The urgency authority therefore equips the executive with the ability to apply a restrictive rule towards plenary 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 plenary’s choice set includes q , p , and p_1 only. At its most restrictive—when the presiding officer removes p_1 from the menu—the plenary is presented with a take-it-or-leave-it urgent proposal p .

This is to say, therefore, that the toolbox of formidable legislative powers of the Chilean president includes the ability to impose restrictive floor consideration rules. In Chile, the president plays the role played by the powerful Rules Committee in the U.S. House. We elaborate on this in the closing section. In the next section we offer an explanation of the Chilean president’s choice of rules in the legislative process.

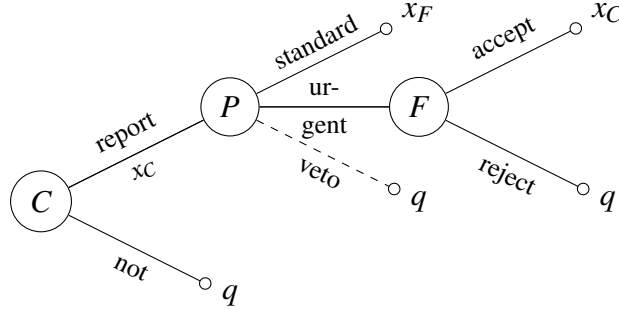
4 Extending a model of restrictive rules to Chile

Vale: En el pdf version 09 la figura queda antes del título de esta sección, debería quedar después porque si bien no importa dónde dentro de una sección, entre secciones me parece que confunde

Eric: En principio, ya lo he cambiado.

¹⁰An additional caveat, which we do not elaborate, is that amendments rejected by the committee will only be admitted for plenary reading if signed by thirty deputies, including at least three committee chairs.

Figure 2: The president rules game. The dashed branch may be practicable, or not.



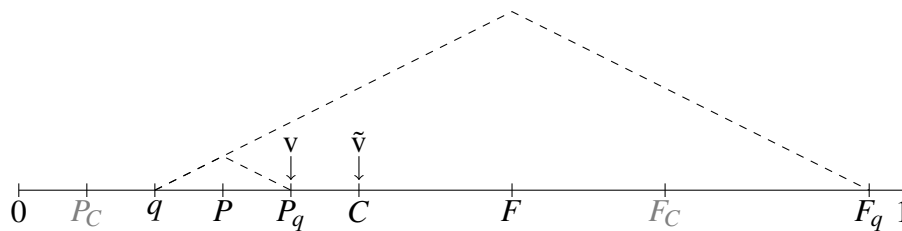
We stylize the Chilean urgency authority as a game of restrictive procedures inspired by Dion and Huber (1996), with the president in the role that the Rules Committee has in the U.S. House of Representatives. Figure 2 portrays the game’s extended form.

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 (Organic Law, art. 21). The committee with jurisdiction over a given proposal starts the game, choosing whether or not to report the bill to the floor. No explicit discharge procedure was found in the congressional standing orders, suggesting it is the same—unanimous consent—to consider a bill without prior committee referral. This confers gate-keeping power to committees 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. If a report is produced, 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: $x_C \in [0, 1]$. The president moves next.

The president’s choice set has three alternatives: let the bill proceed under standard floor consideration; declare it urgent; or issue a veto. Standard consideration ends the game with policy at x_F . By navigating the plenary session with an open rule, amendments reshape the bill to the floor’s liking. As in Shepsle (1979), we take x_F to be the floor median’s ideal point, corresponding to a game of full plenary influence. The next alternative, urgency, 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). The final presidential alternative, the veto, may end the game at the status quo—the formal equivalent of the rule denial in Dion and Huber’s procedural stage.

Vale: But this [open rule] returns the bill to the committee, no?

Figure 3: Illustration of the equilibrium proposal when the veto is practicable (v) or not (\tilde{v})



Eric: Presumably... but model totally ignores this. Simplistic? Justifiable? May need some elaboration.

This “veto” is a stylization of events taking place much later in the actual legislative process, after the approved bill lands on the president’s desk. The specific features of the presidential veto in Chile call for a caveat. The veto takes on different forms in Chile, such that the president may choose to veto the bill completely (total veto), or do a number of things to alter the bill partially.¹¹ For the executive veto to exert an influence so much earlier in the game, players must entertain the expectation that it will be sustained, effectively reinstating the status quo. In Chile, between 1990 and 2014 only one total veto took place, and it was not overridden—so while the likelihood of total vetoes and of overrides are both low, neither cannot be completely discarded. This branch will therefore not be practicable when there is no way to fully discard the possibility of a veto override. The dashed line in Figure 2 indicates that the branch may or may not be part of the president’s choice set. We analyze versions of the game with and without the dashed line.

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.¹² We elaborate the bargaining logic with the example in Figure 3. P , C , and F represent the ideal points of the president, the committee, and the floor, respectively, while q is the status quo. F_q is the reflection of q on F (more precisely, the symmetric reflection of q in space using F as axis). Other relevant reflections are noted likewise; some appear in gray and will be relevant later. As the model assumes standard Euclidian preferences and reflections point to equidistance in the opposite side of an ideal point, preference is easily gauged: the floor 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.

¹¹The presidnet may delete parts of the bill, add parts to the bill, and also change parts of the bill (which combines deleting and adding).

¹²Equilibrium is akin to Cox and McCubbins (2005), Gerber (1996), Magar (n.d.), Romer and Rosenthal (1978). There seem to be minor inconsistencies between the equilibrium that Dion and Huber portray in their Figure 1 and ours here. If this paper is well-received, we might elaborate the full analysis and track inconsistencies in a technical appendix.

Deriving optimal proposal and consideration regime 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, when (1) x_C is inside the smaller pyramid, or (2) the veto branch is impracticable, the president chooses urgent consideration; otherwise s/he vetoes. Proposal $x_C = P_q$ meets conditions to avoid a practicable veto while maximizing committee welfare (the arrow with a v above points to it in the Figure). With impracticable veto the committee can afford to send $x_C = C$ (the arrow with \tilde{v} on top).

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 top panel in profile I represents situations where the veto branch of the game tree is practicable (the expectation is a sustained veto, as indicated at the right end), the lower panel situations where it is impracticable (a veto override is expected). 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).

We pay attention to consideration regimes: in equilibrium, status quos in dark-gray zones trigger urgent consideration, 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's report (gate-keeping). Aided by auxiliary assumptions, empirical implications follow from comparative statics. We discuss three; many more hypotheses could be derived.

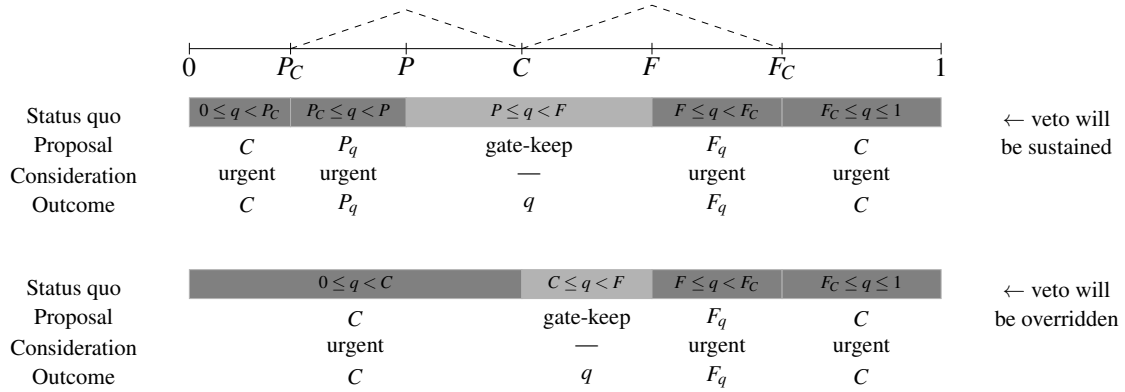
Eric: Eric working here. Maybe drop hyp 1 and add one on co-coalition chair.

To start, note how the 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.

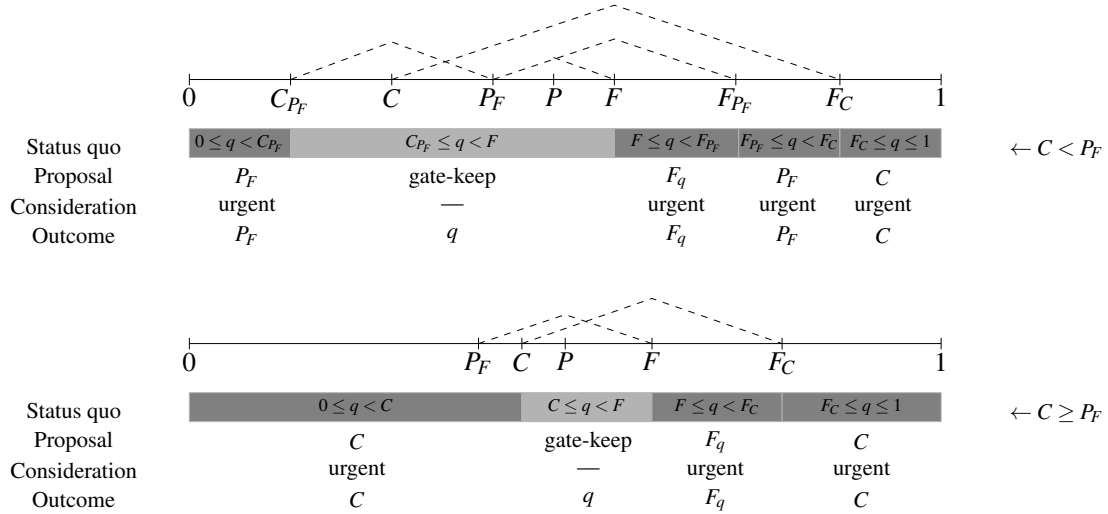
Hypothesis 1 Other things constant, urgent bill consideration is likelier than standard bill

Figure 4: Comparative statics with variable status quo

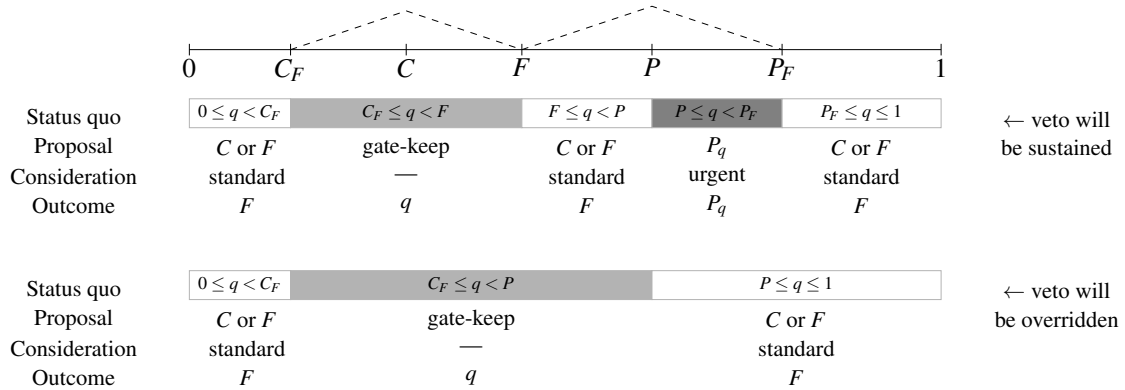
Profile I: $P < C < F$



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



Profile III: $C < F < P$



consideration.

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

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 easy to see 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 point. 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, such that co-partisans share one location in space. The next theoretical prediction follows.

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

Given presidential coalition discipline in Chile (Alemán and Saiegh 2007, Carey 2002), an alternative version of Hypothesis 2 replaces 'party' by 'coalition' as measure of preferences.

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 is the upper limit of the light-gray zone. In the bottom panel, F is within the light-gray zone, but its symmetric projection over C (C_F) is the lower limit: sliding F towards C achieves the same, sliding C_F towards C 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 the 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 the president's coalition than to the opposition.

5 Urgency predictors

A systematic analysis of data in Table 1 is revealing. The units are individual proposals: the dependent variable *Urgent bill* equals 1 for proposals that became urgent at any point of the legislative process, 0 otherwise. It excludes ‘one month’ deadlines, which do not trigger restrictive rules (including them does not change the reported results in a fundamental way, see the appendix). Multivariate analysis controls for president–reporting committee preference coincidence, for bill features, for timing, and for the strategic environment. Formal variable definitions and descriptive statistics appear in the appendix.

The preference group includes two regressors. *Co-partisan comm. chair* equals 1 if the bill was referred to a standing committee presided by a member of the president’s party, 0 otherwise. This is our key independent variable, controlling for a shared location in space between the chief executive and the reporting committee. Other things constant, we expect it to associate positively with the dependent variable. Multiple committee referrals are common in Chile. Part A of Table 3 shows that the number of standing committee chairs from the president’s party oscillated sharply in the period, from a high of 53 percent in the 1998–2002 Legislatura, to a low of 17 percent in the 2006–10 Legislatura. And the opposition was absent among standing committee chairs in 2006–10 only, controlling up to 24 and 27 percent in 2002–06 and 2010–14, respectively. It is likely that *largesse* towards the opposition was a way of beefing up the legislative support for the president.¹³

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 go up to 32 percent of bills when the Finance committee is considered). Also excluded are special and bicameral committees. Since a single co-partisan chair among multiple referees suffices for our indicator to equal 1, we also include a dummy *Multiple referrals* in the right side. It should capture any effect of agenda control sharing among several committee chairs in the proposal’s negotiation.

The bill features group includes two variables. *Hacienda referral* equals 1 for bills referred to the powerful Finance committee, 0 otherwise. The Hacienda committee has special status in the Chilean Congress and deserves a separate control. Unlike other stand-

¹³The 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 was always in control of the Cámara, but has controlled Senate majorities between 2006 and 2010 only (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 votes 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.

| | 1998–2002 | 2002–06 | 2006–10 | 2010–14 |
|---|------------------|---------|---------|---------|
| Part A. Committee chairs, Cámara | | | | |
| 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 |
| Part B. Seats, Cámara | | | | |
| President's coalition | 58 | 53 | 51 | 50 |
| Opposition | 42 | 48 | 47 | 48 |
| Regional | | | 3 | 2 |
| Total | 100 | 100 | 100 | 100 |
| Part C. Seats, Senate | | | | |
| President's coalition | 50 | 50 | 55 | 45 |
| Opposition | 50 | 50 | 45 | 55 |
| Total | 100 [†] | 100 | 100 | 100 |

[†]vacant seats dropped

ing committees, it 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.¹⁴ So, for instance, a proposal restricting labor benefits to municipal health workers was referred to both the Public Health and Hacienda committees because a small appropriation for verification by the Labor Bureau was required. Hacienda committee members, working in tandem with Finance Ministry staff (Alemán and Navia 2009), may or may not appropriate funds from the budget in their report to the floor. 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 the urgency authority.

The other is *Member bill*, equal 1 for legislator proposals, 0 for executive proposals. The strong negative bi-variate association of the proposing branch and the urgency authority should remain when other factors are held constant. An alternative specification of this variable consists of three separate dummies instead of one, with more precise control: *Member bill, pres. coal.-sp.* indicates legislator proposals with presidential coalition sponsors only (i.e., the sole sponsor or all co-sponsors belong to parties in the president's coalition at initiation), *Member bill, opp.-sp.* those with opposition sponsors only, and *Member bill, mix-sp.* those with a mixture of both.

The strategic environment group includes three controls. *Pres. approval* is the net presidential approval at bill initiation (i.e., the percentage who approve of the president's job minus the percentage who disapprove).¹⁵ To the extent that presidents with higher public approval are, all else constant, more successful in the legislative arena (Alemán and Navia 2009, Bond and Fleisher 1990), they should also need the urgency authority less often, and reliance should 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 in 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 had 50 percent or more of upper chamber seats when the bill was initiated, 0 otherwise.¹⁶ Other things equal, presidents with sufficient partisan legislative resources in both chambers will find it easier to push proposals through Congress,

¹⁴Standing rules (Ley orgánica del Congreso) arts. 17 and 21.

¹⁵Data are from the Centro de Estudios Públicos bi-yearly face-to-face opinion polls, available at www.cepchile.cl.

¹⁶Parties 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 minority* = 0.

and might be less inclined to use the urgency to successfully navigate log-rolls through the plenary session.

The timing group controls for the congressional cycle. *Year remaining* measures the percentage of legislative year remaining at bill initiation. Legislative years in Chile begin at the end of the Summer break. So the variable adopts value 100 for proposals made on March 1 (the first day of the legislative year), and value 0 for proposals made February 28. Stationary effects should be captured by it. And *Relax deadlines* equals 1 for bills initiated in July 2010 or later, 0 otherwise. It ought to capture any systematic shift in urgency usage attributable to the reform relaxing deadlines of high-degree notices five months into the 2010–14 Legislature.

Given that observations from four Legislaturas 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 Legislatura 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. The other add further flexibility by also estimating separate errors for bills initiated in in each Legislatura (a so-called mixed effects model, Gelman and Hill 2007:262,302). A generalized linear model was used to fit the mixed effects model (the others with logit). We normalized continuous variables *Pres. approval* and *Year remaining* to speed the GLM’s convergence.¹⁷ Normalized measures were used throughout for model comparability.

Table 4 reports results.¹⁸ The regression model performs satisfactorily. Predictors in the basic model 1 correctly classify 89 percent of the observations. A likelihood-ratio test of overall fit rejects the hypothesis that an intercept-only fit is as good as the model with predictors at below the .001 level. Coefficient estimates confirm that, controlling other factors in the model, *Co-partisan comm. chair* has a positive coefficient, as expected. And the effect achieves statistical significance at the .05 level (parentheses in the table report p-values). The predicted probability that an executive bill is declared urgent when referred to a committee with no co-partisan chair, holding all other regressors at their median, is .27, and goes up to .30 when referred to a committee chaired by a co-partisan of the president—a one-tenth hike. The effect conditional on other values of the control variables is illustrated more clearly through simulations performed below. There is statistical evidence in support

¹⁷As 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.

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

¹⁸Models were fitted with R base’s *glm* and library *lme4*’s (Bates, Maechler, Bolker and Walker 2015).

Table 4: Urgency predictors. Dependent variable indicates urgent bills. 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 received urgency message | | | |
|-------------------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| | (1) | (2) | (3) | (4) |
| <i>Co-partisan comm. chair</i> | .184* (.057) | | | |
| <i>Coalition comm. chair</i> | | .409** (.028) | .437** (.020) | .422** (.025) |
| <i>Multiple referrals</i> | .800*** ($<.001$) | .825*** ($<.001$) | .842*** ($<.001$) | .839*** ($<.001$) |
| <i>Hacienda referral</i> | 1.799*** ($<.001$) | 1.773*** ($<.001$) | 1.753*** ($<.001$) | 1.757*** ($<.001$) |
| <i>Member bill</i> | -2.916*** ($<.001$) | -2.946*** ($<.001$) | -3.056*** ($<.001$) | -3.038*** ($<.001$) |
| <i>Pres. approval</i> | -.008 (.888) | -.022 (.703) | .008 (.894) | -.012 (.836) |
| <i>Introduced in Senate</i> | .312*** (.005) | .331*** (.003) | .323*** (.004) | .327*** (.003) |
| <i>Senate majority</i> | -.144 (.400) | -.177 (.296) | | |
| <i>Year remaining</i> | .088* (.057) | .085* (.068) | .077* (.094) | .078* (.089) |
| <i>(Year remaining)²</i> | -.121** (.011) | -.126*** (.009) | -.135*** (.006) | -.134*** (.006) |
| <i>Relax deadlines</i> | .327 (.108) | .287 (.151) | | |
| Intercept | -.713*** ($<.001$) | -.970*** ($<.001$) | -1.307*** ($<.001$) | -1.031*** ($<.001$) |
| Effects | none | none | fixed | mixed |
| Observations | 6,987 | 6,987 | 6,987 | 6,987 |
| LogL | -1,715 | -1,714 | -1,705 | -1,712 |
| % correct | 89 | 89 | 90 | 89 |

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

of Hypothesis 2.

The estimate for *Multiple referrals* confirms that bills reported by more than a single committee are, other things constant, likelier targets of urgency messages. The effect is larger (about four times) and statistically more significant (at below the .001 level) than the former. Dropping this regressor from the estimation is revealing, actually increasing *Co-partisan comm. chair*'s coefficient size (to .33) and significance (to $< .001$), while leaving the rest substantially unchanged. If some of the effect of a co-partisan chair is attributable to somewhat correlated (at .17) multiple referrals, model 1 reveals that and significant effect of *Co-partisan comm. chair* remains when both features are controlled. This solidifies the support for Hypothesis 2.

And the effect of Finance Committee referrals on the probability that bills become urgent, controlled separately from the above, is larger still. The coefficient for variable *Hacienda referral* doubles that of variable *Multiple referrals*. The predicted probability that Finance committee-referred executive bill is declared urgent (holding all else at the median value) is .71, compared to .30 when not referred to Hacienda. When spending gets in the way in Chile, restrictive rules are the norm. The Finance committee was always chaired by a coalition member, but with the exception of the 1998 to 2000 period, its chair was never a co-partisan of the president. This is important for our argument, allowing us to disentangle the significant independent effect of co-partisan chairs. This holds for alternative model specifications.

Control variables add further perspective on restrictive rule usage in the period. Member proposals are substantially less likely to become urgent than executive proposals. The negative estimate is significant at below the .001 level and is, by far, the largest in absolute value in model 1. Re-specified into a three-way variable in model 2, the estimates shows how, if all member bills were significantly less likely, other things constant, to receive urgent status, the negative coefficients vary considerably. Opposition-only projects have the largest absolute differential relative to presidential proposals, which is not too surprising. The surprise comes by noting that the least negative coefficient belongs not to presidential-coalition-only proposals, but to those with *mixed* sponsorship. Setting other variables at their median, the probability that a mixed-member sponsored bill gets an urgent message is .028, up from .022 for one with only presidential coalition sponsors (a 27 percent hike in a world of tiny odds). Proposals made jointly by coalition and opposition members bear resemblance to logrolls—gains from trade are voted together. The relatively smaller drop compared to executive bills is consistent with a view of restrictive rules as shielding such exchange from plenary amendments. This also suggests that presidents sometimes buy support for difficult policy across the aisle using the urgency authority as a form of

payment.

Eric: Aquí conviene discutir que efecto de copartisan chair se diluye en modelo 2 pero se solidifica en 3 y 4...

The strategic environment controls get mixed results. Neither coefficient for *Pres. Approval* nor *Senate minority* achieved statistical significance. But *Introduced in Senate* did. Bills successfully passing the upper chamber before moving to the Cámara were likelier to get urgent status, and the effect is significant at the .006 level. Proposals initiated in the Senate, where the opposition was systematically larger (and at times controlled the chamber) were, other things constant, also likelier urgency targets. Note also this coefficient's sizable hike from model 1 to model 2, gaining about a third in size while other coefficients did not change when controls for member-bill sponsorship are added. The lower initiation of mix-member bills in the Senate, as opposed to the Cámara (a $-.34$ correlation between *Introduced in Senate* and *Member bill, mix-sponsored*) masks a portion of the effect when sponsorship controls are omitted.

Timing controls... not much. urgency more common at beginning than end of year. And post-relax effect positive but not signif at conventional .05 level.

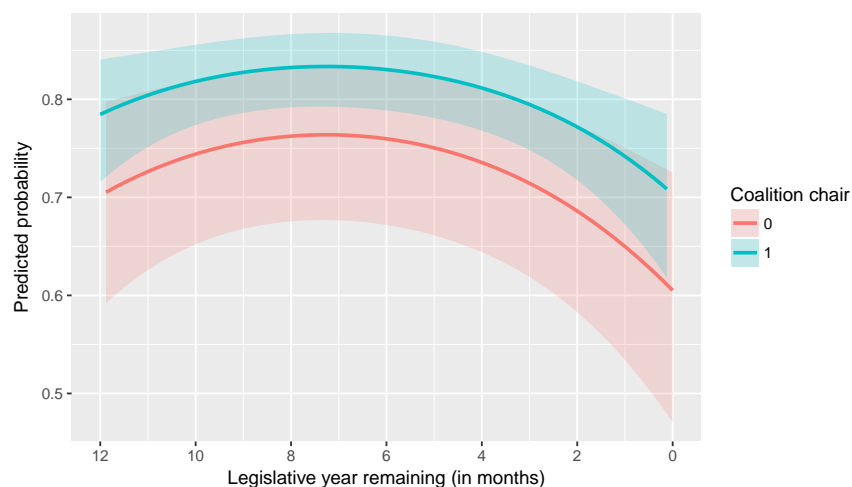
6 Simulations

The preliminary empirical model requires improvements. While the co-partisan chair coefficient is positive and significant, simulations reveal that there remains a good deal of noise in the estimation. Figure 5 portrays the predicted probability that a bill gets urgent status. Regressors in model 3 are held constant to simulate a bill sent by the executive to the Cámara in the 2010–14 Legislature, referred to Hacienda and just one standing committee. The president's approval is set to the median throughout the period.

It is clear that much uncertainty surrounds the predictions. If the signal of a co-partisan committee chair on urgency likelihood is statistically significant, the noise in the data remains important relative to the model's prediction ability. So much so that Monte Carlo simulation with model 3,¹⁹ while allowing the legislative *Year remaining* to vary along its range, cannot confidently distinguish the effect of a co-partisan committee chair on the predicted probability of an urgency message from random noise. The 80 percent confidence intervals of predicted probabilities in red (for a co-partisan committee chair) and blue (not) have substantial overlap. Clearly, the empirical model needs refinements.

¹⁹Simulations using model 4 requires procedures that we have not uncovered, as the standard variance-covariance matrix does not account for the full mixed-effects... will deal with this in a future iteration.

Figure 5: Probability that bill declared urgent. Predictions from model 3. Scenario is...



7 Discussion

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). If our argument is correct, it is the president who has possession of this key legislative prerogative in Chile's Cámara (perhaps Senate as well, check). The executive branch decides which bills go to the floor with a closed rule. We elaborate some implications of this peculiar, inter-branch institutional arrangement.

Eric: Convendrá elaborar la relevancia de que la retractive rule esté en manos del presidente. ¿Por qué no retienen esa facultad los legisladores?

8 Conclusion

9 Appendix

9.1 Dichotomous variables

| Variable | Def | =0 | =1 | Total |
|------------------------------------|-----|-------|-------|-------|
| <i>Urgent bill</i> (Dep. Var.) | | 5,932 | 1,055 | 6,987 |
| | | .849 | .151 | 1 |
| <i>Co-partisan comm. chair</i> | | 4,537 | 2,450 | 6,987 |
| | | .649 | .351 | 1 |
| <i>Multiple referrals</i> | | 5,342 | 1,645 | 6,987 |
| | | .765 | .235 | 1 |
| <i>Member bill</i> | | 1,461 | 5,526 | 6,987 |
| | | .209 | .791 | 1 |
| <i>Member bill, opp.-sp.</i> | | 4,813 | 2,174 | 6,987 |
| | | .689 | .311 | 1 |
| <i>Member bill, mix-sp.</i> | | 5,326 | 1,661 | 6,987 |
| | | .762 | .238 | 1 |
| <i>Member bill, pres. coal-sp.</i> | | 5,296 | 1,691 | 6,987 |
| | | .758 | .242 | 1 |
| <i>Hacienda referral</i> | | 6,120 | 867 | 6,987 |
| | | .876 | .124 | 1 |
| <i>Senate minority</i> | | 4,302 | 2,685 | 6,987 |
| | | .616 | .384 | 1 |
| <i>Introduced in Senate</i> | | 5,080 | 1,907 | 6,987 |
| | | .727 | .273 | 1 |
| <i>Relax deadlines</i> | | 4,783 | 2,204 | 6,987 |
| | | .685 | .315 | 1 |

9.2 Continuous variables

| Var. | Def. | Min. | Q1 | Med. | Mean | Q3 | Max. | sd |
|-----------------------|------|-------|-----|------|------|------|------|------|
| <i>Pres. term</i> | | 0 | 29 | 54 | 51.8 | 75 | 100 | 27.6 |
| <i>Year remaining</i> | | 0 | 31 | 53 | 53.2 | 75 | 100 | 26.4 |
| <i>Pres. approval</i> | | -39.2 | -12 | 4.9 | 6.1 | 19.8 | 66.3 | 24 |

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