

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, to variable degrees, with congress' voting schedule. Presidents with such power can choose to confront

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legislators with a deadline to discuss and vote legislation by simply designating it urgent. Seen against the U.S. system, where an impatient president has no formal resources to pressure legislators to act on stagnant legislation that he would like to see considered, urgency authority may even seem contradictory to classic notions of separation of powers. The Framers warn against expediting lawmaking and arresting deliberation. “In the legislature promptitude of decision is oftener an evil than a benefit” (Hamilton 1961).

Yet, with considerable variation, five constitutions of the Americas have such authority: Brazil, Chile, Colombia, Mexico, and Uruguay (Morgenstern 2002). In Brazil, the assembly must act on urgent legislation within forty five days, else the bill in question takes precedence over all other legislative business. The president can declare any executive-initiated bill urgent at any time. In Colombia, urgent bills go to the top of the voting schedule immediately. In Uruguay and Chile, legislators must act within a pre-specified, short period, although the consequences of not doing so vary between the two countries. Failure to do so converts the urgent bill into law in Uruguay,¹ but not in Chile. 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. In Mexico, as in Chile, how to proceed in case of legislative non-compliance is indeterminate.²

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 whether or not proposals marked urgent had a more expedited legislative process and an improved likelihood of passage, the study found mixed evidence at best. Among executive proposals, those marked urgent underwent shorter considerations than the rest (medians of 134 vs. 160 days, respectively). But no palpable difference in success rates could be appreciated (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.

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.

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.

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 hypotheses 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.

2 Urgent legislation and urgency degrees

We collected original data to investigate the urgency authority in Chile between 1998 and 2014.³ 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).

The source reports the general traits of legislation: who introduced the bill, when, in which chamber, what 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,

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. Queries had been sent to congressional staff in October 2014 about the existence of an official API or FTP site where this well-structured data could be downloaded en bloc. There was no response. An automated script was then prepared to retrieve the information directly. The Cámara's web page is JavaScript-rich, an obstacle surmounted with Python's Selenium library, putting together the bits and pieces of the scraping process. 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.

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).

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

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 in the period, 412 yearly on average. Most introduction was by members of Congress, who made four proposals for every one by the president (79 vs. 21 percent). But when success rates are considered the branch ratio inverts, a 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. One proposal in five received an urgency message in the period (19 percent). The relative term attests to

a quite permissive notion of ‘urgency’ by Chilean presidents. The patterns echo those uncovered by Siavelis for a period before ours: most proposals by the executive (69 percent), and few by members (6 percent) had 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 urgency types by *degree*. The congressional organic law (arts. 26 and 27) defines the breadth of executive interference in legislative scheduling, giving the president a choice of sending ‘one month’ (*urgencia simple* or 30 days), ‘two week’ (*urgencia suma* or 15 days), or ‘act now’ (*discusión inmediata* or 6 days) notices.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 Cámara, then one to the Senate when the approved bill shuttles there—so the absolute frequencies of the degree breakdown do not add up to the total in panel III.⁵ Least frequent were bills with ‘act now’ deadlines, 6 percent of proposals overall. These are heavily tilted towards executive introductions, one in four (26 percent) of which had some ‘act now’ deadline. Bills with some ‘two week’ or some ‘one month’ deadline were, each, about twice as frequent (13 and 12 percent overall, respectively).

And urgency types matter, too. 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 in success rates. Higher degrees strongly and significantly associate with better probability of executive success, but the lower made no statistical difference. Since

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 one month urgency 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 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, respectively. ‘One month’ urgencies remained unchanged. But the constitution (art. 66) also raises the bar for relaxing deadlines by requiring the vote of four-sevenths (≈ 57 percent) of each chamber’s membership for organic law passage and amendment. While below the two-thirds membership needed for constitutional reform, no coalition has exceeded the organic law threshold in both chambers since the return to democracy.

⁵The modal urgent bill in the period received several messages. Multiple messages were often sent to the same chamber (*trámite*), sometimes renewing the urgency that a prior message had withdrawn for a given bill. Others times the deadline for consideration was reset by a new message before the original expired. Most of these extended the deadline once or more. Less common, but observed, were messages imposing a shorter deadline. We plan to investigate the puzzling patterns of repeated urgency messages in a separate project.

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

Table 2: One proposal and two amendments

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 of ignoring or rejecting salient proposals.

Our argument is different. The next section advances the notion that the urgency authority’s importance lies not in expediting the legislative process, nor in signaling proposal salience for the executive. In Chile, the urgency authority matters because it 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 (‘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.⁶

A simple illustrative example of a bill and two amendments will ease exposition. The proposal is executive-initiated and aims at offering 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 has exclusive power

⁶See 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.

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 Cámara’s presiding officer can override.⁷ 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 see how urgencies affect it. 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).⁸

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 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, ending the legislative process at the status quo: 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 private diputados (with one-third plenary backing). The committee chair and 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 of possibilities—more redefinitions, 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.

⁷Congress’ organic law (arts. 24 and 25) leaves discretion to committee chairs and the presiding officer to declare amendments inadmissible. Non-germane amendments, or that increase spending, or those falling in areas of exclusive executive initiative, are explicitly mentioned as inadmissible.

⁸See the Cámara’s standing rules (*Reglamento*), especially arts. 118–189.

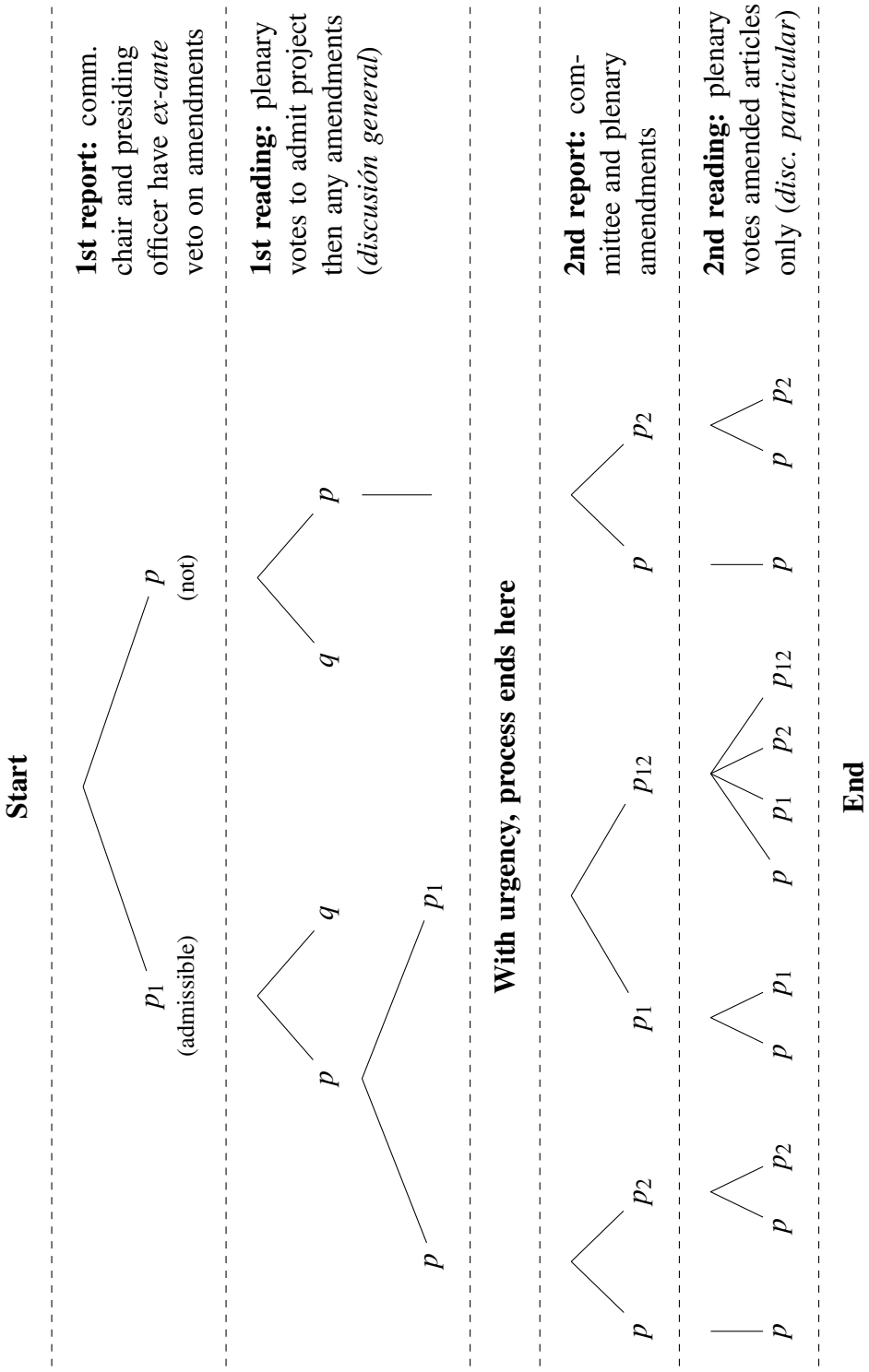


Figure 1: The voting agenda. Notation: p is a project; q the status quo; p_1 , p_2 , and p_{12} are amendments, see text.

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

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 it most restrictive—when the presiding officer removed p_1 from the menu—the plenary is presented with a take-it-or-leave-it urgent proposal p .

The toolbox of formidable legislative powers of the Chilean executive includes restrictive floor consideration rules. The president therefore plays the role of the Rules committee in the U.S. House—something we elaborate in the closing section. We next offer an explanation of the president’s choice of rules in the legislative process.

4 Extending a model of restrictive rules to Chile

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

Unless there is unanimous support to suspend the chamber’s rules, every proposal requires a committee report prior to floor consideration. The committee with jurisdiction on 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.

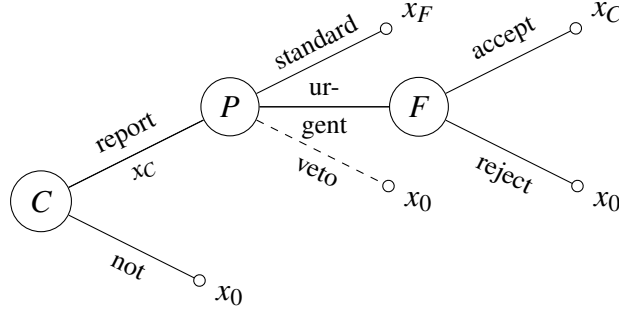


Figure 2: The president rules game. The dashed branch may be practicable, or not.

This confers gate-keeping power to committees over policy in their jurisdiction: when the committee withholds the report, the game ends with policy at the status quo x_0 . 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.

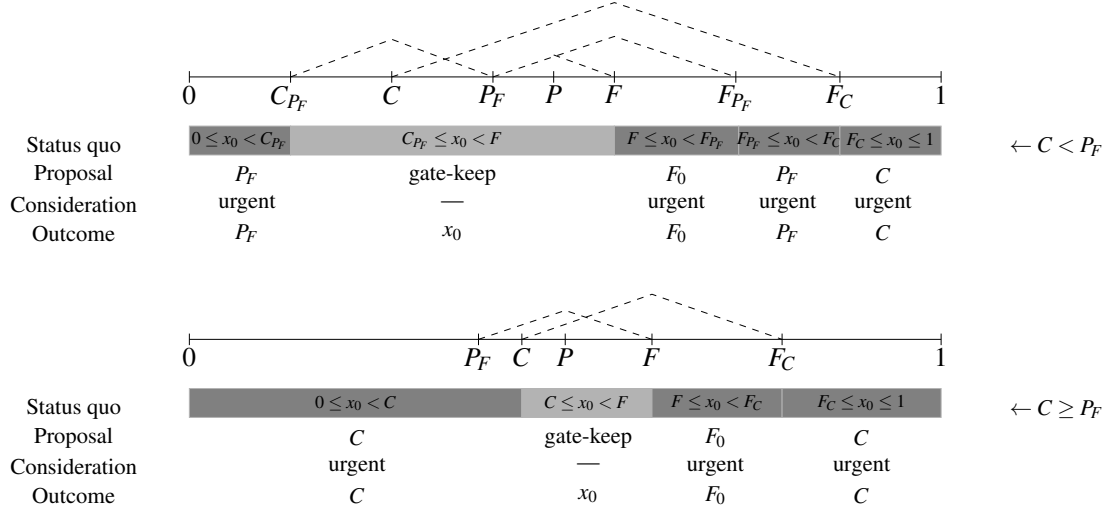
The president’s choice set has three alternatives: let the bill proceed under standard floor consideration; declare it urgent; or issue a veto. Standard consideration ends the game with policy at x_F . By navigating the plenary session with an open rule, amendments reshape the bill to the floor’s liking. 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, who moves after the urgency, must choose between the reported bill x_C or the status quo, as in (Romer and Rosenthal 1978). The final presidential alternative, the veto, ends the game at the status quo—the formal equivalent of the rule denial in Dion and Huber’s procedural stage.

This “veto” is a stylization of events taking place much later in the actual legislative process, after the approved bill lands in the president’s desk. 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. 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.

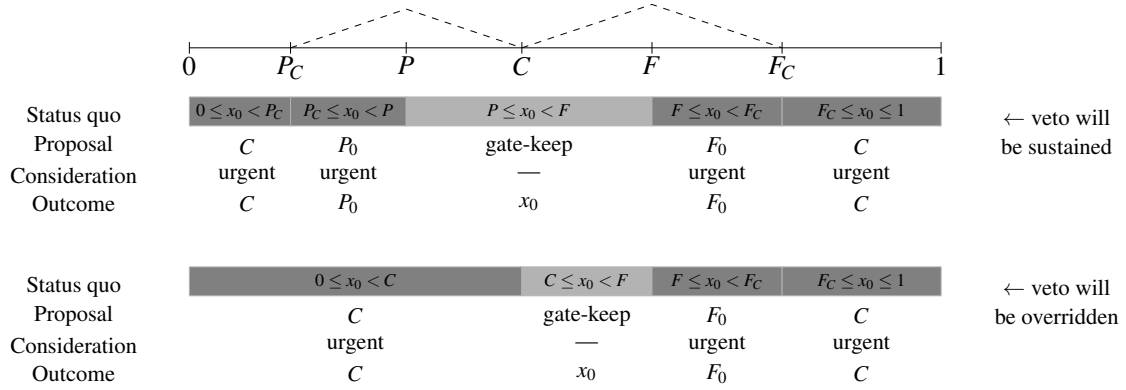
The game’s analysis is analogous to Magar (n.d.) and Dion and Huber (1996) and will not be elaborated here.⁹ The game is solvable by backwards induction in order to

⁹There seem to be inconsistencies between the equilibrium that Dion and Huber portray in their Figure

Profile I: $C < P < F$



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



Profile III: $C < F < P$

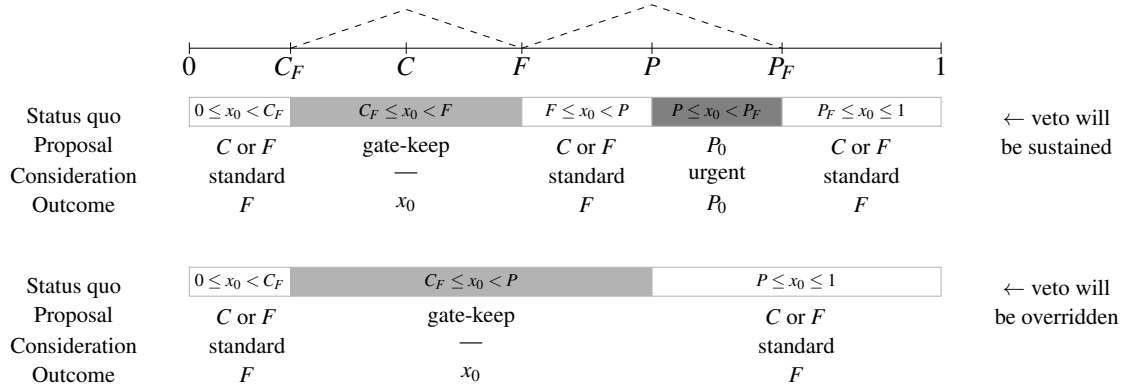


Figure 3: Comparative statics: equilibrium proposal and consideration

derive a unique sub-game perfect equilibrium (cf. Cox and McCubbins 2005, Gerber 1996, Romer and Rosenthal 1978). We instead perform comparative statics analysis to derive the equilibrium proposal and equilibrium consideration regime in Figure 3. We then use these for the derivation of empirical implications from our theoretical model.

EM: Aquí faltará elaborar la descripción del equilibrio y los supuestos subyacentes. También explicar con pelos y señales la estática comparativa—que es muy similar a Dion y Huber, revisen el paper.

5 Hypotheses

Comparative statics analysis of the game’s equilibrium generates testable hypotheses. We discuss two, along with the auxiliary assumptions that are required. Many more could be derived.

To start, note how the dark-gray zones predominate in Figure 3 over the light-gray and white. Urgent consideration regime correspond to dark-gray, and the first theoretical prediction follows.

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

The supporting auxiliary assumptions are two: (1) a stochastic status quo with uniform probability density in $[0, 1]$ is assumed; and (2) that 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.

1 and that discussed here. If this paper is well-received, we might elaborate the full analysis and track inconsistencies in a technical appendix.

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.

6 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.¹⁰

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

¹⁰The 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.

	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

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.

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 standing 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.¹¹ 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).¹² 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

¹¹ Standing rules (Ley orgánica del Congreso) arts. 17 and 21.

¹² Data are from the Centro de Estudios Públicos bi-yearly face-to-face opinion polls, available at www.cepchile.cl.

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 minority* equals 1 if the president's coalition had less than 50 percent of upper chamber seats when the bill was initiated, 0 otherwise.¹³ Other things equal, presidents with insufficient partisan legislative resources in one chamber will find it harder to push statutory proposals through Congress, and might be more 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.¹⁴ Normalized measures were used throughout for model comparability.

Table 4 reports results.¹⁵ 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

¹³Parties 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.

¹⁴As 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.

¹⁵Models were fitted with R base's *glm* and library *lme4*'s (Bates, Maechler, Bolker and Walker 2015).

	DV: Bill received urgency message			
	(1)	(2)	(3)	(4)
<i>Co-partisan comm. chair</i>	.193** (.046)	.172* (.076)	.411*** ($<.001$)	.381*** (.001)
<i>Multiple referrals</i>	.801*** ($<.001$)	.776*** ($<.001$)	.743*** ($<.001$)	.748*** ($<.001$)
<i>Hacienda referral</i>	1.787*** ($<.001$)	1.805*** ($<.001$)	1.738*** ($<.001$)	1.746*** ($<.001$)
<i>Member bill</i>	-2.906*** ($<.001$)			
<i>Member bill, pres. coal.-sp.</i>		-2.757*** ($<.001$)	-2.904*** ($<.001$)	-2.888*** ($<.001$)
<i>Member bill, mix.-sponsored</i>		-2.533*** ($<.001$)	-2.691*** ($<.001$)	-2.671*** ($<.001$)
<i>Member bill, opp.-sponsored</i>		-3.540*** ($<.001$)	-3.686*** ($<.001$)	-3.668*** ($<.001$)
<i>Pres. approval</i>	-.002 (.968)	-.001 (.992)	.022 (.708)	.009 (.882)
<i>Introduced in Senate</i>	.303*** (.006)	.441*** ($<.001$)	.428*** (.001)	.430*** ($<.001$)
<i>Senate minority</i>	.118 (.488)	.151 (.378)		
<i>Year remaining</i>	.094** (.039)	.096** (.036)	.087* (.054)	.088* (.051)
<i>Relax deadlines</i>	.360* (.076)	.326 (.110)		
<i>Intercept</i>	-.864*** ($<.001$)	-.850*** ($<.001$)	-1.382*** ($<.001$)	-.951*** ($<.001$)
Effects	none	none	fixed	mixed
Observations	6,987	6,987	6,987	6,987
LogL	-1,718	-1,702	-1,688	-1,696
% correct	89	89	89	89

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

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.

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 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.

EM: 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.

7 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 4 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

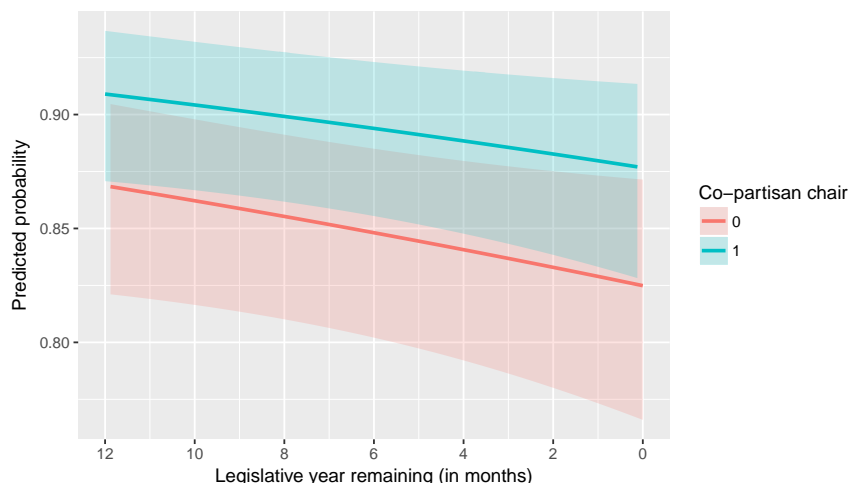


Figure 4: Probability that bill declared urgent. Predictions from model 3. Scenario is...

simulation with model 3,¹⁶ 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.

8 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.

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

¹⁶Simulations 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.

9 Conclusion

10 Appendix

10.1 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

10.2 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

References

- Alemán, Eduardo and Patricio Navia. 2009. "Institutions and the Legislative Success of 'Strong' Presidents: An Analysis of Government Bills in Chile." *Journal of Legislative Studies* 15(4):401–19.
- Alemán, Eduardo and Sebastián M. Saiegh. 2007. "Legislative Preferences, Political Parties, and Coalition Unity in Chile." *Comparative Politics* 39(April):253–72.
- Amorim Neto, Octávio, Gary W. Cox and Mathew D. McCubbins. 2003. "Agenda Power in Brazil's Câmara dos Deputados, 1989–98." *World Politics* 55:550–78.
- Bates, Douglas, Martin Maechler, Benjamin M. Bolker and Steven Walker. 2015. "Fitting Linear Mixed-Effects Models using lme4." ArXiv e-print; in press, *Journal of Statistical Software*.
URL: <http://arxiv.org/abs/1406.5823>
- Berríos, Fabiola and Ricardo Gamboa. 2006. "El Congreso Nacional chileno y el ejercicio de sus funciones legislativa y fiscalizadora (1990–2006)." *Política* 47(1):99–125.
- Bond, Jon R. and Richard Fleisher. 1990. *The President in the Legislative Arena*. Chicago: Chicago University Press.
- Calvo, Ernesto. 2014. *Legislator success in fragmented congresses in Argentina: Plurality cartels, minority presidents, and lawmaking*. New York: Cambridge University Press.
- Carey, John M. 2002. Parties, Coalitions, and the Chilean Congress in the 1990s. In *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif. New York: Cambridge University Press pp. 222–53.
- Cox, Gary W. and Mathew D. McCubbins. 1997. "Toward a theory of legislative rules changes: Assessing Schickler and Rich's evidence." *American Journal of Political Science* 41(4):1376–86.
- Cox, Gary W. and Mathew D. McCubbins. 2005. *Setting the Agenda: Responsible Party Government in the US House of Representatives*. New York: Cambridge University Press.
- Den Hartog, Christopher F. 2004. Limited Party Government and the Majority Party Revolution in the Nineteenth-Century House PhD thesis UCSD.

- Dion, Douglas and John D. Huber. 1996. "Procedural Choice and the House Committee on Rules." *The Journal of Politics* 58(1):25–53.
- Döring, Herbert. 2003. "Party discipline and government imposition of restrictive rules." *Journal of Legislative Studies* 9(4):147–63.
- Gelman, Andrew and Jennifer Hill. 2007. *Data Analysis Using Regression and Multi-level/Hierarchical Models*. Cambridge University Press.
- Gerber, Elisabeth R. 1996. "Legislative Responses to the Threat of Popular Initiatives." *American Journal of Political Science* 40(1):99–128.
- Hamilton, Alexander. 1961. The Federalist LXX. In *The Federalist Papers: Hamilton, Madison, Jay*, ed. Clinton Rossiter. New York: Penguin.
- Heller, William B. 2001. "Making Policy Stick: Why the Government Gets What It Wants in Multiparty Parliaments." *American Journal of Political Science* 45(4):780–98.
- Huber, John D. 1996. "The Vote of Confidence in Parliamentary Democracies." *American Political Science Review* 90(2):269–82.
- Kiewiet, D. Roderick and Mathew D. McCubbins. 1991. *The Logic of Delegation: Congressional Parties and the Appropriations Process*. Chicago: University of Chicago Press.
- Krehbiel, Keith. 1997. "Restrictive Rules Reconsidered." *American Journal of Political Science* 41(3):919–44.
- Magar, Eric. n.d. "Executive Vetoes as Electoral Stunts: A Model with Testable Predictions." Unpublished manuscript, ITAM.
- Morgenstern, Scott. 2002. Explaining legislative politics in Latin America. In *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif. New York: Cambridge University Press pp. 413–45.
- Romer, Thomas and Howard Rosenthal. 1978. "Political resource allocation, controlled agendas, and the status quo." *Public Choice* 33:27–44.
- Schickler, Eric and Andrew Rich. 1997. "Controlling the Floor: Procedural Coalitions in the House." *American Journal of Political Science* 41(4):1340–75.
- Schwartz, Thomas. 2008. "Parliamentary procedure: principal forms and political effects." *Public Choice* 136:353–77.

- Shepsle, Kenneth A. 1979. "Institutional Arrangements and Equilibrium in Multidimensional Voting Models." *American Journal of Political Science* 23(1):27–59.
- Siavelis, Peter. 2002. Exaggerated Presidentialism and Moderate Presidents: Executive-Legislative Relations in Chile. In *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif. New York: Cambridge University Press.
- Sin, Gisela. 2014. *Separation of Powers and Legislative Organization: The President, the Senate, and Political Parties in the Making of House Rules*. New York, NY: Cambridge University Press.
- Soto Velasco, Sebastián. 2015. *Congreso Nacional y Proceso Legislativo: Teoría y Práctica*. Santiago: Thomson Reuters.
- Weingast, Barry R. 1992. Fighting Fire with Fire: Amending Activity and Institutional Change in the Postreform Congress. In *The Postreform Congress*, ed. Roger H. Davidson. St. Martin's Press.