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

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).

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, and all activity on the floor stops until legislators vote on the bill. 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]

In the United States, Howell and Moe (2016) argue that in order to have an effective government, reform needs to put the president at the center of the legislative process by giving him precisely urgency powers: a "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".

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), or provisions of the Constitution are violated (under the Howell-Moe proposal for the U.S.). Thus, by institutional design, the president has an effective avenue to influence the congressional agenda: s/he can force Congress to debate and vote on a bill.

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)

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[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.

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. In his study of the urgency prerogative in Chile's first post-transition administration, Siavelis (2002) revealed the high frequency with which urgency messages were issued by President Aylwin. He also found mixed evidence on whether proposals marked urgent had a more expedited legislative process and an improved likelihood of passage.

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. Under this prerogative, 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 in Chile is that it is the president who decides whether a bill proceeds to the floor with a close rule, or whether it will be open for amendments. This means that, unlike the U.S., where committee members negotiate with the leadership and the Rules Committee to receive close rules towards floor consideration, in Chile committee members negotiate with the president to receive that label. In other words, in Chile the president takes on the role of the Rules Committee.

This unique presidential role opens the door for multiple strategies both for the committee and the president regarding the conditions under which they will push for a bill to receive the urgency label.

The paper proceeds as follows. Section 2 describes the urgency process in Chile in more detail and presents the data. We elaborate on urgency degrees, a distinction of central importance to the study of this institution in Chile, offering 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 3 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. We derive testable hypotheses. Section 4 tests some of them. Examination of all bills in the

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1998–2014 period through multivaiate analysis in search of urgency authority predictors shows that, other features constant, bills reported by committees chaired by the president's party/coalition (our measure of preference similarity between the president and the committee chair, driving some theoretical results) associates significantly with urgency messages. Section 5 concludes.

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 how congress deals with its agenda. We collected original data to investigate urgency authority in Chile between 1998 and 2014.[3]

We compiled information on every bill introduced in Congress between 11 March 1998 and 10 March 2014: who introduced the bill, when, in which chamber, the issue it deals with, its status at the time of consultation, and so forth. We also gathered information on the chronological detail of the bill's legislative process in the House and Senate: committee referrals and reports, floor discussion and voting, navette to the other chamber, and more. Of direct relevance, we coded all urgency messages received by both chambers. 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 bills were introduced by members of Congress, one fifth of them were introduced by the president (79 vs. 21 percent). But when considering success rates the branch ratio reverses, each MC turning one proposal into law for every three by the president (27 vs. 73 percent).

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 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 MCs (6 percent) received urgent status.

A feature of importance for our argument is the distinction among types of urgency by *degree*. Although the presidential urgency authority is set by the Constitution, Congress has distinguished different types of urgency through its internal rules. Congressional rules

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[3]The 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).

(arts. 26 and 27) give the president the choice to designate 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.

Bills can receive more than a single urgency message—e.g., one message when they are introduced in the House, and another when the same bill is introduced in the Senate—so the absolute frequencies 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 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.

Higher degree urgency matter because those are the ones that function as a close rule for the bills on the floor.

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 on

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[4]Congressional 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 Laws[5]. 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.

[6]The 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

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	—

how the urgency works as a restrictive rule. 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 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]

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plan to investigate the puzzling patterns of repeated urgency messages in a separate project.

[7]See Amorim Neto, Cox and McCubbins (2003), Calvo (2014), Cox and McCubbins (1997), Den Hartog (2004), Dion and Huber (1996), Döring (2003), Heller (2001), Huber (1996), Krehbiel (1997), Schickler and Rich (1997), Sin (2014), Weingast (1992), among others.

[8]The 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.

[9]See 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.

Start

1st report: comm. chair and presiding officer have *ex-ante* veto on amendments

1st reading: plenary votes to admit project then any amendments (*discusión general*)

With urgency, process ends here

2nd report: committee and plenary amendments

2nd reading: plenary votes amended articles only (*disc. particular*)

End

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 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

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[10]An 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.
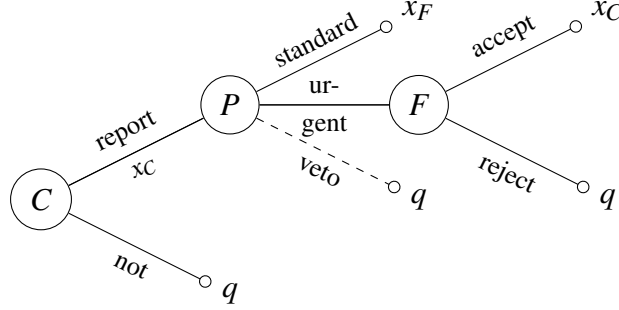
set includes q, p, and p_1 only. At its most restrictive—when the presiding officer removes p_1 from the menu—the plenary is presented with a take-it-or-leave-it urgent proposal p.

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. In the next section we we analyze the conditions under which Chilean presidents choose different types of rules in the legislative process.

3 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. 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 exists in Chile. 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

Figure 3: Illustration of the equilibrium proposal when the veto is practicable (v) or not (ṽ)
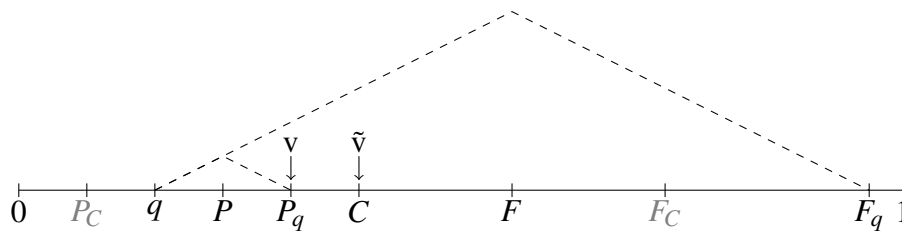
bill to the floor's liking. As in Shepsle (1979), we take x_F to be the floor median's ideal point, corresponding to a game of full plenary influence. The next alternative, urgency, invokes the restrictive consideration rule and presents the floor with a take-it-or-leave-it offer. Unable to amend the 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.

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 can 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, subgame 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.

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

[12]Equilibrium 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.

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.

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 ṽ 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.
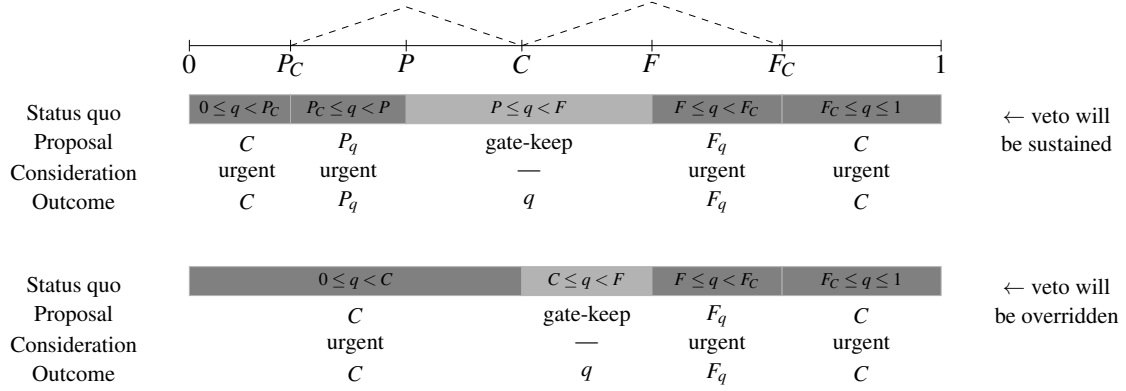
The example discussed falls under profile I (the status quo falls where $P_C \leq q < P$). The top panel in profile I represents situations where the veto branch of the game tree is practicable (the expectation is a sustained veto, as indicated at the right end), the lower panel situations where it is 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.
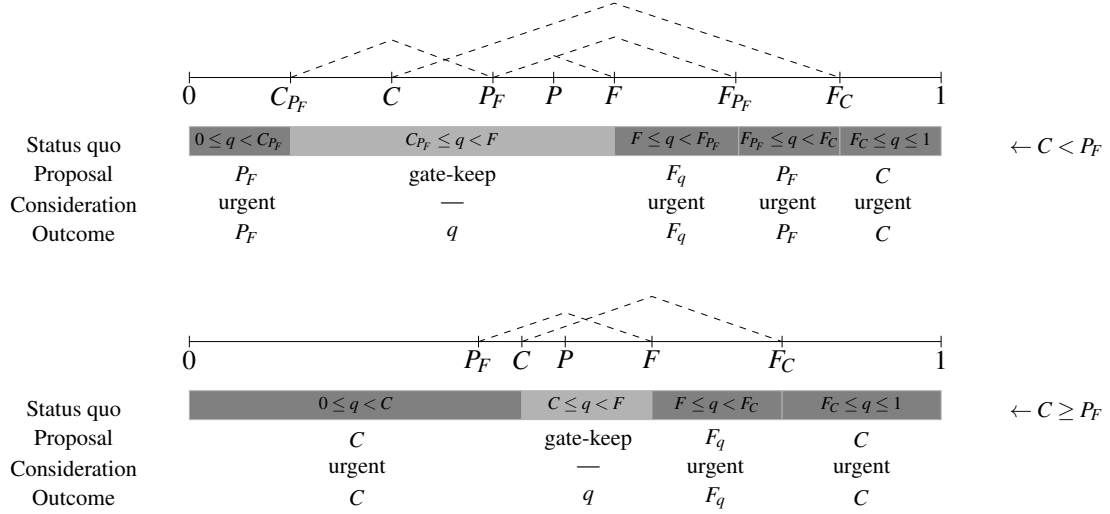
To start, note how the dark-gray zones predominate in Figure 4 over the light-gray and

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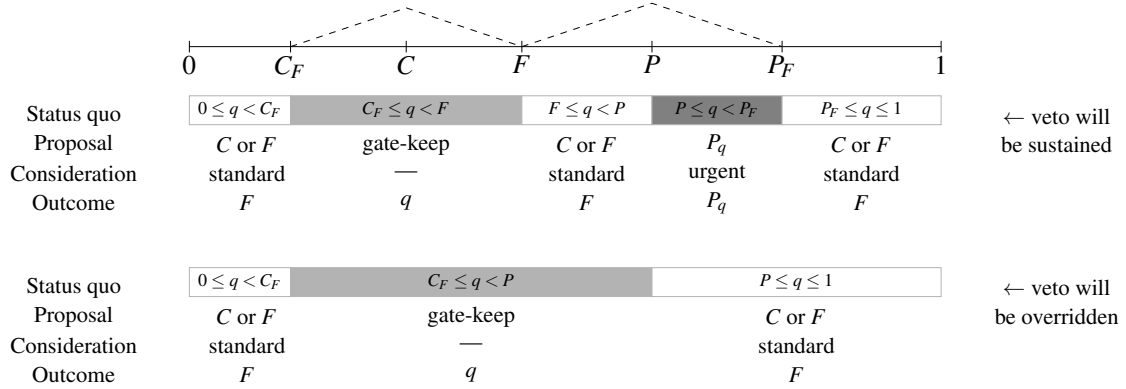# Figure 4: Comparative statics with variable status quo

Profile I: $P < C < F$

Number line: 0, P_C, P, C, F, F_C, 1

Status quo	$0 \le q < P_C$	$P_C \le q < P$	$P \le q < F$	$F \le q < F_C$	$F_C \le q \le 1$	← veto will
Proposal	C	P_q	gate-keep	F_q	C	be sustained
Consideration	urgent	urgent	—	urgent	urgent	
Outcome	C	P_q	q	F_q	C	

Status quo	$0 \le q < C$		$C \le q < F$	$F \le q < F_C$	$F_C \le q \le 1$	← veto will
Proposal	C		gate-keep	F_q	C	be overridden
Consideration	urgent		—	urgent	urgent	
Outcome	C		q	F_q	C	

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

Number line: 0, C_{P_F}, C, P_F, P, F, F_{P_F}, F_C, 1

Status quo	$0 \le q < C_{P_F}$	$C_{P_F} \le q < F$	$F \le q < F_{P_F}$	$F_{P_F} \le q < F_C$	$F_C \le q \le 1$	← $C < P_F$
Proposal	P_F	gate-keep	F_q	P_F	C	
Consideration	urgent	—	urgent	urgent	urgent	
Outcome	P_F	q	F_q	P_F	C	

Number line: 0, P_F, C, P, F, F_C, 1

Status quo	$0 \le q < C$		$C \le q < F$	$F \le q < F_C$	$F_C \le q \le 1$	← $C \ge P_F$
Proposal	C		gate-keep	F_q	C	
Consideration	urgent		—	urgent	urgent	
Outcome	C		q	F_q	C	

Profile III: $C < F < P$

Number line: 0, C_F, C, F, P, P_F, 1

Status quo	$0 \le q < C_F$	$C_F \le q < F$	$F \le q < P$	$P \le q < P_F$	$P_F \le q \le 1$	← veto will
Proposal	C or F	gate-keep	C or F	P_q	C or F	be sustained
Consideration	standard	—	standard	urgent	standard	
Outcome	F	q	F	P_q	F	

Status quo	$0 \le q < C_F$	$C_F \le q < P$			$P \le q \le 1$	← veto will
Proposal	C or F	gate-keep			C or F	be overridden
Consideration	standard	—			standard	
Outcome	F	q			F	

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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 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 readily visible in theory, preference unobservability is an obstacle towards a test. Auxiliary assumptions therefore need discussion before putting a hypothesis forth: (1) chairs are dictators in their committee's jurisdiction; and (2) party determines ideal points. The first auxiliary assumption sets procedure in such way that the committee can be construed as a unitary actor. The second associates player preferences to something observable: parties. The next theoretical prediction follows.

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

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

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

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

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

4 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. The first has two alternative specifications: *Co-partisan comm. chair*, equal 1 if the bill was referred to a standing committee presided by a member of the president's party, 0 otherwise; or *Coalition comm. chair*, equal 1 for bills referred to committees chaired by members of any party in the presidential coalition, 0 otherwise. This is our key explanatory variable, measuring spatial proximity between the chief executive and the reporting committee. Other things constant, we expect the variable to associate positively with the dependent variable under both specifications. Table 3 shows in part A how 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 2006–10. 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.[13]

The other regressor controls for multiple referrals. Nearly one quarter (24 percent) of bills in the period were referred to more than one standing committee. The 'other committee' count excludes the Finance committee, with jurisdiction over any form of new spending (and discussed next; multiple referrals go up to 32 percent of bills when the Finance committee is considered). Also excluded are special and bicameral committees. A single

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

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

	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

co-partisan or coalition chair among multiple referees suffices for the indicator previously discussed to equal 1, so we also include 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 also includes two explanatory 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.[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, may or may not appropriate funds from the budget in their report to the floor (Alemán and Navia 2009). Not unlike the Appropriations and Rules committees in the U.S. House, Hacienda has the status of a control committee, a key asset for agenda power (Kiewiet and McCubbins 1991). Hacienda referral therefore controls for a subset of generally important proposals, and should associate positively with the urgency authority. Next is *Member bill*, equal 1 for legislator proposals (*mociones*), 0 for executive proposals (*mensajes*). The strong negative bi-variate association of the proposing branch and the urgency authority should remain when other factors are held constant.

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 opinion rating are, other things 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 might therefore drop. *Introduced in Senate* equals 1 for bills initiated in the upper chamber, 0 otherwise. By virtue of being smaller, enjoying longer terms, and not being firmly 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 more than half of upper chamber seats when the bill was initiated, 0 otherwise.[16] Other things equal, presidents with sufficient

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

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

[16]Parties in the presidential and opposition coalitions were tied throughout most of the 1998–2006 Senate (majority briefly oscillating back and forth in the first years due to member indictments, impeachments, and

partisan legislative resources in both chambers will find it easier to push proposals through Congress, 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* (and its squared value to capture non-linearity, if any) measures the percentage of legislative year remaining at bill initiation. Chilean legislative years 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. It should control for stationarity in the data. And *Relax deadlines* equals 1 for bills initiated in July 2010 or later, 0 otherwise. Any systematic shift in urgency usage attributable to the reform extending deadlines of high-degree notices five months into the 2010–14 Legislature should reflect in this coefficient.

Given that observations from four elected 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. Another adds 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). Estimation is with a generalized linear model for the mixed effects fit, and logit for the rest. We normalized continuous variables *Pres. approval* and *Year remaining* to speed the GLM's convergence.[17] Normalized measures were used throughout for model comparability.

Table 4 reports results.[18] The regression model performs satisfactorily. A likelihood-ratio test of overall fit rejects the hypothesis, at below the .001 level, that an intercept-only fit is as good as our models. Predictors across model specifications correctly classify between 89 and 90 percent of the observations. Coefficient estimates confirm that, controlling other factors in the model, *Co-partisan comm. chair* has a positive coefficient in model 1, as expected. The effect achieves borderline conventional statistical significance, just above the .05 level (parentheses in the table report p-values). The evidence is stronger for the variable's other specification. The coefficient for *Coalition comm. chair* in models 2–4 is also positive, more than doubles in size, and achieves p-values between .02 and .03. As

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deaths in both coalitions). Ties are coded as *Senate minority* = 0.

[17]As suggested in http://stackoverflow.com/questions/23478792/warning-messages-when-trying-to-run-glmer-in-r and https://rstudio-pubs-static.s3.amazonaws.com/33653_57fc7b8e5d484c909b615d8633c01d51.html. Normalization re-scales and centers the measures in order to improve parameter identification.

[18]Models 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)
Co-partisan comm. chair	.184* (.057)			
Coalition comm. chair		.409** (.028)	.437** (.020)	.422** (.025)
Multiple referrals	.800*** (<.001)	.825*** (<.001)	.842*** (<.001)	.839*** (<.001)
Hacienda referral	1.799*** (<.001)	1.773*** (<.001)	1.753*** (<.001)	1.757*** (<.001)
Member bill	−2.916*** (<.001)	−2.946*** (<.001)	−3.056*** (<.001)	−3.038*** (<.001)
Pres. approval	−.008 (.888)	−.022 (.703)	.008 (.894)	−.012 (.836)
Introduced in Senate	.312*** (.005)	.331*** (.003)	.323*** (.004)	.327*** (.003)
Senate majority	−.144 (.400)	−.177 (.296)		
Year remaining	.088* (.057)	.085* (.068)	.077* (.094)	.078* (.089)
(Year remaining)^2	−.121** (.011)	−.126*** (.009)	−.135*** (.006)	−.134*** (.006)
Relax deadlines	.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
Log*L*	-1,715	-1,714	-1,705	-1,712
% correct	89	89	90	89

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

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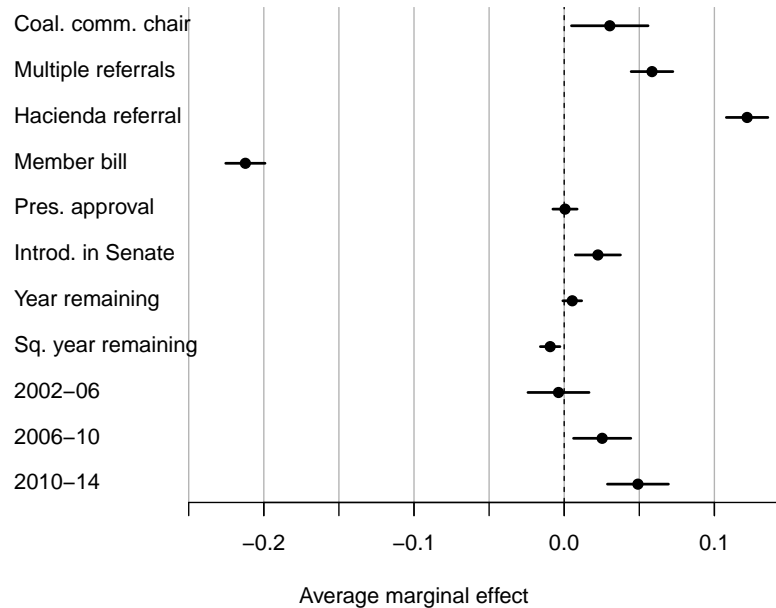

scholars have documented, the coalition is as good a predictor of presidential support in Congress—or better, in our case—as the party. The finding is robust across model specifications. In general, all model coefficients remain pretty much unchanged in size and significance when fixed and mixed effects are included in the right side (we are forced to drop variables *Senate majority* and *Relax deadlines* due to colinearity with Legislatura dummies).

Figure 5 reports changes in the average predicted probability of an urgent bill associated with unit changes in model 3's explanatory variables (all other regressors at their mean value). This is a convenient way to translate logit regression coefficients into interpretable quantities. A report from a committee with a coalition chair experiences a .03 hike (and a .013 standard error) in the likelihood of getting a closed rule in the floor compared to a report by an opposition-chaired committee. While paling compared to the average marginal effects of *Member bill* (−.21), *Hacienda referral* (.12), or even *Multiple referrals* (.06), there is no statistical evidence to reject our Hypothesis 2.

The large effects of Hacienda and multiple referrals deserves comment. When spending gets in the way in Chile, restrictive rules are the norm. Recall that multiple referrals exclude the finance committee, so there is an independent effect of bills with jurisdictional overlaps worth investigating further. And the finance committee was always chaired by a coalition

Figure 6: Probability of urgent bill consideration. Predictions are from from model 3 letting *Year remaining* vary in full range, with 95-percent confidence bands. Other variables set at the following values: *Multiple referrals* = 0, *Hacienda referral* = 1, *Member bill* = 0, *Pres. approval* at its median, *Introd. in Senate* = 0, and *2010-14* = 1.
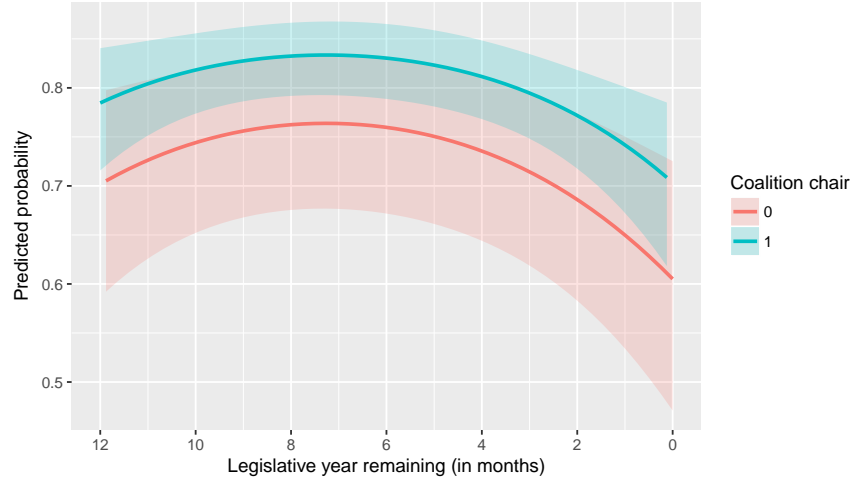
member, but with the exception of the 1998 to 2000 period, never by a co-partisan of the president. This may explain the borderline significance of our key variable in model 1.

Another control worth highlighting is *Senate majority* (the other strategic environment variable, presidential approval, is insignificant). Bills successfully passing the upper chamber before moving to the Cámara were likelier to get urgent status (the average marginal effect is .02 and significant). Proposals initiated in the Senate, where the opposition was systematically larger and at times in control were, other things constant, also likelier urgency targets. This is consistent with a view that legislative compromises needed to clear the higher Senate hurdle were likelier to require protection against floor amendments, even after controlling for Hacienda committee referral.

Finally, there are time trends in urgency authority usage that simulations reveal neatly. Figure 6 portrays the predicted probability that a bill gets urgent status throughout the legislative year. Regressors in model 3 are held constant to simulate a bill the executive sent to the Cámara in the 2010–14 Legislature and referred to Hacienda and just one standing committee. The president's approval is set to the median throughout the period. The inverted-U shape shows how urgency probability, predicted at almost .8 for coalition-chaired committees, and .7 for the rest at the start, becomes likelier in the first half of the legislative year. By the second quarter (June–August), the probability is at its maximum, 10 percent up since March. It then experiences a sharp drop, ending the austral Summer break at .7 for coalition-chaired committees, and .6 for others.

It is clear that much uncertainty surrounds the predictions. If the signal of a coali-

tion committee chair on urgency likelihood is statistically significant, the noise in the data remains important relative to the model's prediction ability. The 95-percent confidence bands of predicted probabilities in red (for a coalition committee chair) and blue (not) have substantial overlap. There remains a good deal of heterogeneity among bills reported to opposition-chaired committees that calls for refinements in our empirical model.

5 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). However, it is the president who has possession of this key legislative prerogative in Chile. The executive branch decides which bills go to the floor with a closed rule.

In this paper we elaborated some implications of this peculiar, inter-branch institutional arrangement. Theoretically, we found that when the committee chair's preferences are closer to those of the President, then the probabilities that bills will be labeled as urgent increases. That is, committee chairs negotiate directly with the president the bill they want to see enacted. When this is the case, the President imposes a closed rule on it, and the bill is not modified in the floor. In other words, this institutional tool increases cooperation between branches. Committee chair and President commit to a deal that cannot be undone because it is protected by an urgent label.

6 Appendix

6.1 Dichotomous variables

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

6.2 Continuous variables

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

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