

# Presidents on the fast track: Fighting floor amendments in the Chilean Cámara\*

Eric Magar  
ITAM

Valeria Palanza  
Univ. Católica de Chile

Gisela Sin  
Univ. of Illinois, Urbana-Champaign

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## Abstract

Among the Chilean President's formidable proactive legislative powers is fast-track authority, also called urgency authority. Lawmakers face a short deadline to discuss and vote bills in this track. Extant research has shown that most executive proposals become urgent at some stage, and that urgency correlates with the odds of passage, but it found little evidence that it speeds consideration of the president's agenda in Congress. This paper shows that the main reason behind the use of fast-track authority is not to speed legislation along, but instead to give presidents the ability to shield bills from floor amendments. Presidents' fast-track authority is similar to imposing a "closed rule". The paper tests hypotheses derived from a formal model of restrictive rules with data from the 1998–2014 period.

## 1 Introduction

Fast-track authority gives presidents the power to set the agenda by imposing a requirement to hold a vote on a bill within a certain period of time, allowing the president to interfere

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with congress' voting schedule. More specifically, by using this prerogative, presidents can impose a deadline for legislators to discuss and vote legislation. Compared to the US presidential system, where an impatient president has no formal resources to push legislators to act on stagnant legislation, broad reaching fast-track authority seems to contradict classic notions of separation of powers. In Federalist 47, Madison argues that the "magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law" (Madison 1961). The Framers also warn against expediting law-making and arresting deliberation. "In the legislature promptitude of decision is oftener an evil than a benefit" (Hamilton 1961). Within this view presidents can veto bills, preventing them from becoming law, but cannot force legislators to act on specific measures.

Despite these concerns, five constitutions of the Americas give presidents broad fast-track 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 bills marked urgent within forty five days, else the bill takes precedence over all other legislative business. In Colombia, fast-track 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 fast-tracked bill into law.<sup>1</sup> In Mexico, the president can propose up to two urgent bills at the start of each biannual ordinary period, and these bills must be scheduled for floor consideration within 30 days.<sup>2</sup>

Regarding the United States, Howell and Moe (2016:145) provide an argument in favor of providing presidents with fast-track authority. They argue that in order to have coherent, effective government, reform needs to put the president at the center of the legislative process by giving her fast-track powers: "presidents should be granted enhanced agenda-setting powers to propose bills to Congress, which Congress should then be required to vote

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<sup>1</sup> However, three-fifths of the membership of either chamber can remove the bill's fast-track status.

<sup>2</sup> 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.

on without amendment, on a strictly majoritarian basis, within a fixed period of time. [...] [T]he Constitution would be amended to grant the president *permanent* fast-track authority over *all* policy matters (including budgets and appointments).”

A key issue to consider with respect to fast-track rules is the reversion point when Congress fails to act on such bills. It may be that the whole legislative process comes to a halt until the floor votes on the bill (as in the case of Brazil and Colombia), or that the bill automatically becomes law (as in the case of Uruguay), or it may be that by failing to act provisions of the Constitution are violated (under the Howell-Moe proposal for the U.S.). Thus, by institutional design, the president has an effective tool to influence the congressional agenda, as she can force Congress to debate and vote on a bill.

In certain cases, however, failure to act on fast-tracked bills carries no formal consequences. In Chile, for instance, when the period provided for congress to act expires, the legislative process does not stop, nor do bills become law automatically. Analyzing the case, scholars have speculated that the benefit of fast-track authority lies in its signaling capacity. Quoting a former legal chief of staff at the Presidency, Berríos and Gamboa (2006) describe one type of urgency qualification as “merely symbolic, exerting no real pressure on Congress” (p. 117).<sup>3</sup> Likewise, Alemán and Navia (2009) see degrees of urgency as “signals of presidential attention” (p. 404), so the assembly may face unobserved 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 President Aylwin qualified bills as urgent, and found mixed evidence on whether such bills had a more expedited legislative process and an improved likelihood of passage.

This paper builds on the existing literature, but makes a different point. We claim that counter what one might expect, fast-track authority in Chile is neither a signal nor an agenda setting tool, but instead a mechanism that incites cooperation between the executive and her party or coalition in Congress.

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<sup>3</sup>Three types exist in Chile, as we explain below. The authors refer to the least imposing, providing Congress with a thirty-day deadline.

We find that the literature has largely ignored an important consequence of this rule: when bills are brought to the floor having been designated urgent, *they cannot be modified*.<sup>4</sup> Currently, urgent bills are proposals that come to the floor with a closed rule: legislators have to vote them up or down, with no possibility to introduce amendments. When qualified as urgent, the bill that emerges from committee is identical to the one passed by the floor. Urgency protects the agreements reached in committee as they cannot be undone later in the plenary session.

The case of Chile attracts our attention because by means of her fast-track authority the president is able to decide whether a bill proceeds to the floor with a closed 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 closed 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.

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 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 1998–2014 period through multivariate analysis in search of urgency authority predictors shows that, other features constant, bills reported by committees chaired by the president's

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<sup>4</sup>This is true since March of 2014. Before then, it was true only for one type of urgency, “supreme urgency” (*suma urgencia*).

Table 1: One proposal and two amendments

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

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 Fast-Track Legislation

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 exclusive proposal rights for certain bills, her capacity to veto bills totally and partially, and to propose amendments at different stages of the legislative process (Alemán and Navia 2009, Baldez and Carey 1999). Less attention has been devoted to the influence granted the president when she can declare certain bills urgent and by doing so, affect how congress deals with its agenda. We view this influence as stemming from the prerogative to qualify bills “urgent”, which imposes a form of closed rule for floor consideration, more than, as the current literature sees it, a bill accelerator or a signal of presidential priority. Our argument here joins a growing literature on restrictive rules in legislatures worldwide.<sup>5</sup>

A simple example of a bill and two amendments illustrates how urgency qualification 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 1, provide different solutions. The first funds the program, appropriating \$200. The second splits the funds into equal parts. And the third allocates

<sup>5</sup>See Amorim Neto, Cox and McCubbins (2003), Calvo (2014), Cox and McCubbins (1997), Den Hartog (2004), Dion and Huber (1996), Döring (2003), Heller (2001), Huber (1996), Krehbiel (1997), Schickler and Rich (1997), Sin (2014), Weingast (1992), among others.

the parts. So, if approved, students and teachers would receive \$100 each. To add complexity, 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.<sup>6</sup> 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  $q$  is the status quo (where students and teachers get \$0 from this particular subsidy). Sub-indexes distinguish versions of  $p$  with articles amended:  $p_1$  has article 1 amended,  $p_2$  has article 2 amended, and  $p_{12}$  has both articles amended. Negotiation proceeds in four steps, schematized in Figure 1 as per Schwartz (2008).<sup>7</sup>

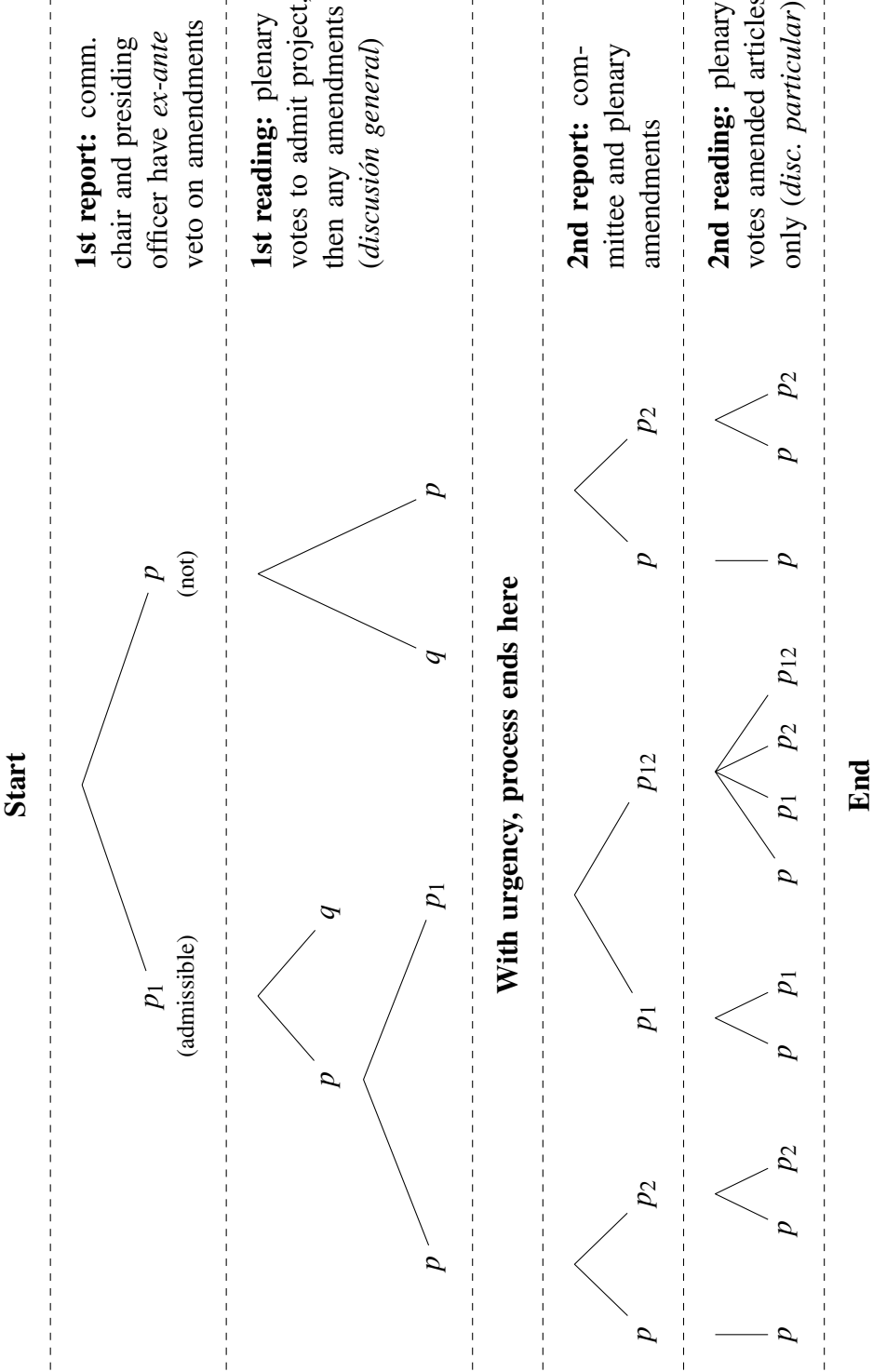
1. The question of amendment  $p_1$ ’s admissibility into the **first report** starts it all. The choice is by the chamber’s presiding officer, who has final authority to overturn the committee chair’s decision. Admitting  $p_1$  gives way to a course of play that substantially complicates down the tree.

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<sup>6</sup>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.

<sup>7</sup>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.



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

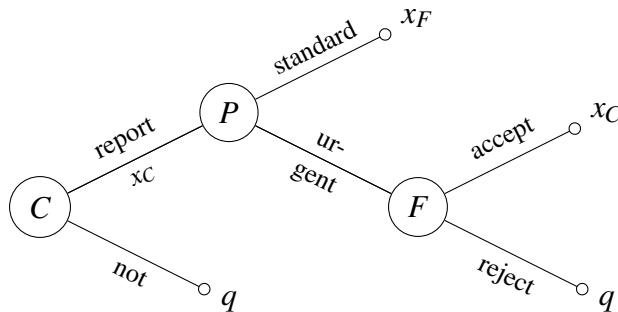
We underline how the process shortens and becomes simpler when a proposal is fast-tracked. This is a key insight from Soto Velasco (2015): when the executive fast-tracks a bill, *the bill takes a procedural shortcut*. As per the Lower Chamber's standing rules (arts. 188–9), fast-tracked bills receive no second committee report, and the first and second plenary readings (*discusiones general y particular*) take place at once.<sup>8</sup>

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<sup>8</sup>An additional caveat, which we do not elaborate, is that amendments rejected by the committee will only



Figure 2: The president rules game



Urgency authority therefore equips the executive with the ability to apply a restrictive rule on plenary consideration. The restriction consists of precluding the second round of amendments. Figure 1 portrays this as a break mid-way in the consideration process. With urgent consideration, when the presiding officer admits  $p_1$  the plenary's choice set includes  $q$ ,  $p$ , and  $p_1$  only. At its most restrictive—when the presiding officer removes  $p_1$  from the menu—the plenary is presented with a take-it-or-leave-it urgent proposal  $p$ .

This is to say, therefore, that the toolbox of formidable legislative powers of the Chilean president includes the ability to impose restrictive floor consideration rules. In Chile, the president plays the role played by the powerful Rules Committee in the U.S. House. In the next section we analyze the conditions under which Chilean presidents choose different types of rules in the legislative process.

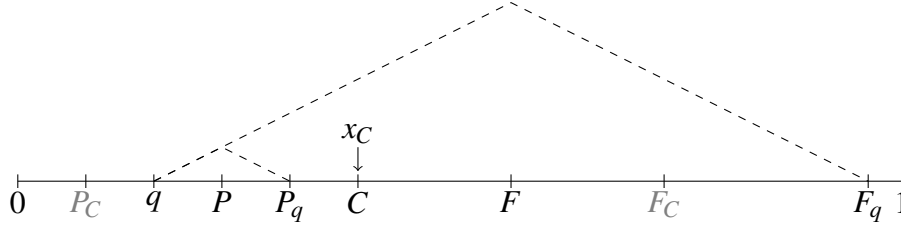
### 3 Extending a model of restrictive rules to Chile

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  $C$  with

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be released for plenary reading if thirty deputies, including at least three committee chairs, present a signed request.

Figure 3: Illustration of the equilibrium proposal



jurisdiction over a given proposal starts the game, choosing whether or not to report the bill  $x_C$  to the floor. No explicit discharge procedure exists in Chile. This confers committees gate-keeping power over policy in their jurisdiction: when the committee withholds a report, the game ends with policy at the status quo  $q$ . Chilean committees are no different in this respect from those in the U.S. Congress. When producing a report, the committee can approve the proposal in whole or in part, amend it, make additions, or reject it (Cámara standing rule 287.8). We interpret this as (positive) agenda power to locate the proposal in policy space:  $x_C \in [0, 1]$ . The president moves next.

During the legislative process, the president's choice set has two alternatives: let the bill proceed under standard floor consideration, or qualify it as urgent. Standard consideration ends the game with policy at  $x_F$ . By navigating the plenary session with an open rule, legislators' amendments reshape the bill to the floor median's liking. As in Shepsle (1979), we take  $x_F$  to be the floor median's ideal point, corresponding to a game of full plenary influence. However, if the president marks the bill "urgent", this invokes the restrictive consideration rule and presents the floor with a take-it-or-leave-it offer. Unable to amend the proposal, the floor, which moves after the bill was marked urgent, must choose between the reported bill  $x_C$  or the status quo, as in (Romer and Rosenthal 1978).<sup>9</sup>

Model analysis is analogous to Dion and Huber (1996). The game has a unique, sub-game perfect equilibrium that we do not derive formally here.<sup>10</sup> We elaborate the bargain-

<sup>9</sup>Unlike Dion and Huber's, our game excludes the procedural stage. A rule denial, which ends the game at the status quo, is not available to the Chilean president.

<sup>10</sup>Equilibrium is akin to Cox and McCubbins (2005), Gerber (1996), Magar (n.d.), Romer and Rosenthal (1978).

ing logic with the example in Figure 3. The points  $P$ ,  $C$ , and  $F$  on the line represent the ideal points of the president, the committee, and the floor median, respectively, while  $q$  is the status quo. We assume Euclidean single-peaked and symmetric preferences, so  $F_q$  is the symmetric reflection of  $q$  on the unidimensional line using  $F$  as mirror, i.e, it is the floor median's point of indifference given the location of the status quo. Other relevant reflections are noted likewise; some appear in gray and will be relevant later. Given the model's assumptions, preferred sets are easily gauged: the floor median finds policy under the larger dashed pyramid ( $x_C \in [q, F_q]$ ) preferable to the status quo; likewise, the president prefers policy under the smaller pyramid ( $x_C \in [q, P_q]$ ) to the status quo.

/emmThere seem to be minor inconsistencies between the equilibrium that Dion and Huber portray in their Figure 1 and ours here. Might revise for RnR.

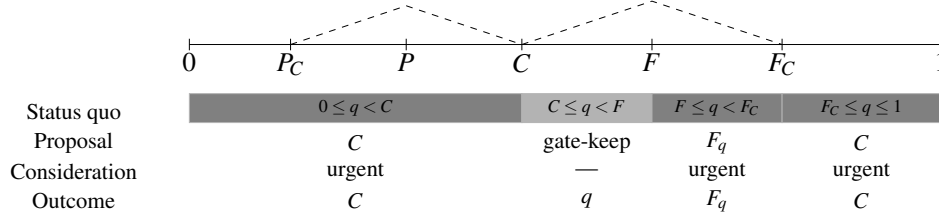
Deriving optimal proposal and consideration regime is trivial. Proceeding backwards in the game tree, the floor will accept proposals under the larger pyramid, reject the rest. So everyone anticipates that urgent consideration of proposal  $x_C \in [q, F_q]$  beats the status quo. Also, because in the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

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

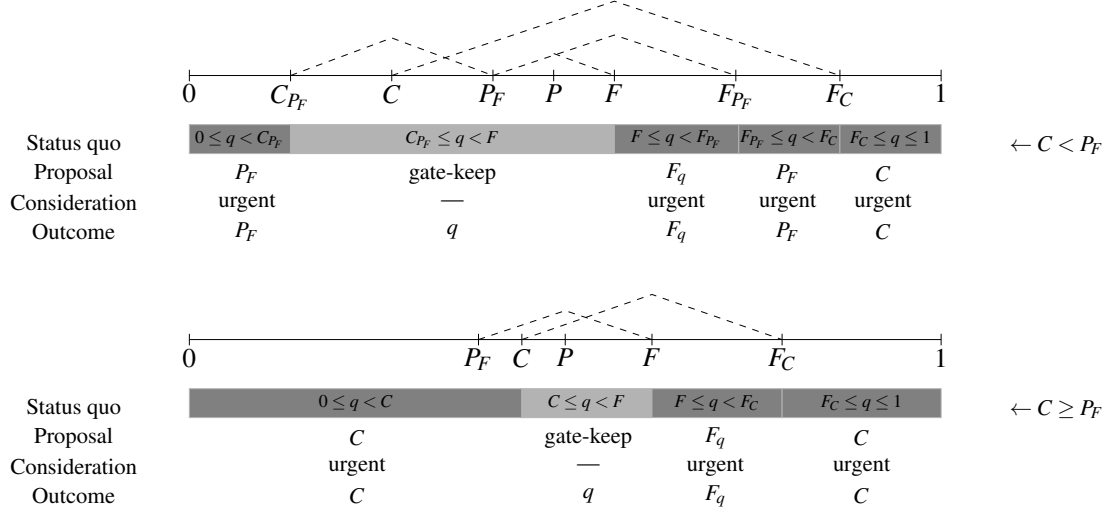
The example discussed falls under profile I (the status quo falls where  $P_C \leq q < P$ ). The equilibrium proposal and consideration regime discussed above, and the equilibrium outcome are listed accordingly. The discrete zones into which the policy space subdivides

Figure 4: Comparative statics with variable status quo

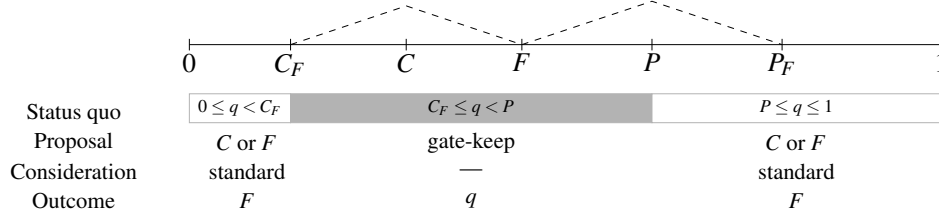
**Profile I:  $P < C < F$**



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



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



(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 (gate-keeping). Aided by auxiliary assumptions, empirical implications follow from comparative statics; we discuss three. To start, note that dark-gray zones predominate in Figure 4 HERE HERE HERE HERE over the light-gray and white. Urgent status corresponds to dark-gray, and the first theoretical prediction follows.

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

The supporting auxiliary assumptions are two: (1) a stochastic status quo with uniform probability density in  $[0, 1]$ , and (2) preference profiles I, II, and III in the Figure are equiprobable. Auxiliary 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 the president’s coalition than to the opposition.

## 4 Data and urgency degrees

To test Chilean urgency authority hypotheses, we collected original data between 1998 and 2014.<sup>11</sup> We compiled information on every bill introduced in Congress between 11 March

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

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

<b>Part A. Executive bills</b>		
	Bills	frequency
I	introduced	1,461
II	passed	1,059
	as % of introduced	72
III	declared urgent (once at least)	834
	as % of introduced	57
IV	declared urgent & passed	641
	as % of declared urgent	77
<b>Part B. Urgency type breakdown of panel III?<sup>†</sup></b>		
	Bills declared urgent	frequency
V	Act now (once at least)	255
	as % of introduced	17
VI	Two week deadline (once at least)	540
	as % of introduced	37
VII	Act now or two week deadline (once at least)	681
	as % of introduced	47
VIII	One month deadline (once at least)	423
	as % of introduced	29

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

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: committee referrals and reports, floor discussion and voting, navette to the Senate, and more. Of direct relevance, we coded all urgency messages received by the Cámara. Table 2 offers a general summary of bill introduction, passage, and urgency incidence.

The executive sent 1,461 bills to Congress between 1998 and 2014, ninety-one yearly on average. Executive bills represented about one in five proposals in the period (members of Congress proposed 79 percent of all bills, not analyzed). More than one thousand proposals became law, putting the executive’s success rate at 72 percent—high by Latin American standards (Morgenstern and Nacif 2002). And 834 bills became urgent during lower chamber consideration, more than half of all (57 percent). The relative term, which

echoes Siavelis' finding for an earlier period, attests to the permissive notion of 'urgency' by Chilean presidents.

A feature of importance for our argument is the distinction among types of urgency by *degree*. Although urgency authority is defined by the Constitution, Congress has distinguished urgency types through its internal rules. The congressional organic law gives the president the choice to designate urgencies of 'one month' (*urgencia simple* or 30 days), 'two weeks' (*urgencia suma* or 15 days), or 'act now' (*discusión inmediata* or 6 days).<sup>12</sup> Part B in Table 2 reports urgency frequencies by type.

Bills can be urgent more than once. We do not refer to the possibility that a bill is designated urgent during lower chamber consideration, then again during Senate consideration (analysis, in fact, ignores upper chamber urgency); but to the fact that, during Cámara consideration, one same bill often received many urgency designations—e.g., an initial one month deadline is reset before its expiration, or replaced by two weeks.<sup>13</sup> Urgency chains imply that the absolute frequencies by types do not add up to the total in panel III. Least frequent were bills with one 'act now' deadline at least, 17 percent of all. Most frequent were those with at least one 'two week' deadline, more than double the latter at 37 percent. Bills with 'one month' deadlines were somewhere in between, at 29 percent.

We devote attention to urgency degrees because they are consequential. Degrees matter because they relate to bill passage. Alemán and Navia's (2009) study of executive suc-

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<sup>12</sup>See *Ley Orgánica del Congreso*, arts. 26 and 27. Congressional practice is well summarized by the library of Congress at <http://www.bcn.cl/ecivica/formacion/>. Since the constitution, by defining 'one month' urgency only, sets a floor for the authority, higher degrees in the organic law are 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, to 15 and 6 days respectively. '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 ( $\approx 57$  percent) of each chamber's membership for the passage and amendment of constitutional organic laws. While this qualified requirement is below the two-thirds needed for constitutional reform, no coalition has exceeded the organic law threshold in both chambers since the return to democracy.

<sup>13</sup>The modal urgent bill in the period received several such designations, sometimes renewing an urgency that was previously withdrawn. Other times the deadline for consideration was reset before the original expired, often more than once. Less common were cases changing one deadline by a shorter one. We plan to investigate the puzzling patterns of urgency chains in a separate project.



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

Degrees also matter because higher ones trigger restrictive floor consideration rules, whereas the lowest degree does not. For this reason, and unless otherwise noted, by “urgency” in this paper we mean ‘act now’ and ‘two week’ deadlines only, the types that are consequential for our argument (the closed rule is not applicable to ‘one month’ deadlines, see the appendix). As panel VII of Table 2 reports, 47 percent of the bills that the executive initiated received one such urgency at least.

## 5 Urgency predictors

A systematic analysis of data in Table 2 is revealing. The units are individual executive proposals: the dependent variable *Urgent bill* equals 1 for proposals declared urgent while in the *cámara*, 0 otherwise. It excludes ‘one month’ deadlines, which do not trigger the closed rule, and urgencies declared when the bill was in the Senate. Multivariate analysis controls for preference coincidence between the president and the reporting committee, for bill features, for timing, and for the strategic environment. Formal variable definitions and descriptive statistics appear in the appendix.

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

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

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

<sup>†</sup>vacant seats dropped

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 (hypotheses 2.a and 2.b). Table 3 shows, in part A, that standing committee chairs from the president's party varied in the period, from a high of 53 percent in the 1998–2002 Legislature to a low of 17 percent in 2006–10. And the opposition chaired no standing committee in 2006–10 only, but up to 24 and 27 percent in 2002–06 and 2010–14, respectively.<sup>14</sup>

<sup>14</sup>*Largesse* towards opposition parties was probably aimed at beefing up the president's legislative support. The Table's parts B and C report variance in the size and status of the president's coalition in Congress. Given electoral list voting unity since the return to democracy (Alemán and Saiegh 2007, Carey 2002), the seats they control are a good indicator of the executive's legislative support. The coalition remained in control of the Cámara throughout the period, but controlled Senate majorities between 2006 and 2010 only (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.

Then there is a control for multiple referrals. Nearly one quarter (24 percent) of bills in the period were referred to more than one standing committee. The ‘other committee’ count excludes the Finance committee, with jurisdiction over any form of new spending (and discussed next; multiple referrals rise to 32 percent when the Finance committee is considered). Also excluded are special and bicameral committees. A single co-partisan or coalition chair among multiple referees suffices for the indicator previously discussed to equal 1, so we 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 consists of *Hacienda referral*, equal 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.<sup>15</sup> 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 urgency authority.

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).<sup>16</sup> To the extent that presidents with higher public

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<sup>15</sup>Standing rules (Ley orgánica del Congreso) arts. 17 and 21.

<sup>16</sup>Data are from the Centro de Estudios Públicos bi-yearly face-to-face opinion polls, available at [www.cep.cl](http://www.cep.cl).

opinion rating are, other things constant, more successful in the legislative arena (Alemán and Navia 2009, Bond and Fleisher 1990), they should also need urgency authority less often, and reliance might therefore drop. *Introduced in Senate* equals 1 for bills initiated in the upper chamber, 0 otherwise. By virtue of being smaller, enjoying longer terms, and not being firmly 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 controlled half or more of upper chamber seats when the bill was initiated, 0 otherwise.<sup>17</sup> Other things equal, presidents with sufficient partisan legislative resources in both chambers will find it easier to push proposals through Congress, and might be less inclined to use 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 after the (meridional) Summer break. So the variable adopts value 100 for proposals introduced on March 1 (the first day of the legislative year), and value 0 for proposals introduced the last day of February. It should control for stationarity in the data. And *Relax deadlines* equals 1 for bills initiated in July 2010 or later, 0 otherwise. Any systematic shift in urgency usage attributable to the reform extending deadlines of high-degree notices five months into the 2010–14 Legislature should reflect in this coefficient.

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

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<sup>17</sup>Parties in the presidential and opposition coalitions were tied throughout most of the 1998–2006 Senate (majority briefly oscillating back and forth in the first years due to member indictments, impeachments, and deaths in both coalitions). Ties are coded as *Senate majority* = 1.

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.<sup>18</sup> Normalized measures were used throughout for model comparability.

Table 4 reports results.<sup>19</sup> The regression model performs satisfactorily. A likelihood-ratio test of overall fit rejects the hypothesis, at below the .001 level, that an intercept-only fit is as good as our models. Predictors across model specifications correctly classify 90 percent of the observations. 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 conventional statistical significance (parentheses in the table report p-values, below the .01 level here). The evidence is much stronger for the variable's other specification. The coefficient for *Coalition comm. chair* in models 2–4 is also positive, more than triples in size, and achieves p-values below .001. As 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 co-linearity 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 gauge logit regression coefficients by translating them into interpretable quantities. A report from a committee with a coalition chair experiences

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<sup>18</sup>As suggested in <http://stackoverflow.com/questions/23478792/warning-messages-when-trying-to-run-glmer-in-r> and [https://rstudio-pubs-static.s3.amazonaws.com/33653\\_57fc7b8e5d484c909b615d8633c01d51.html](https://rstudio-pubs-static.s3.amazonaws.com/33653_57fc7b8e5d484c909b615d8633c01d51.html). Normalization re-scales and centers the measures in order to improve parameter identification.

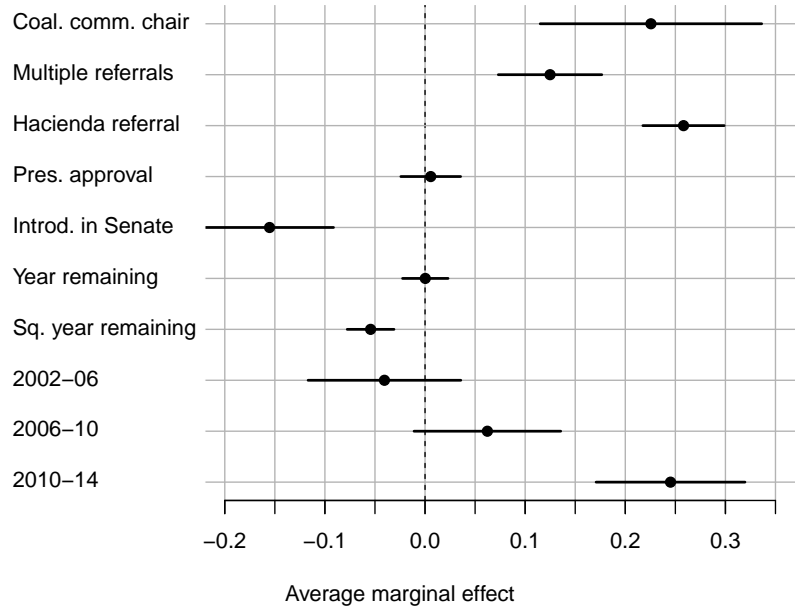
<sup>19</sup>Models fitted with R base's `glm` and library `lme4`'s (Bates, Maechler, Bolker and Walker 2015).

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

	DV: Bill received urgency (1) or not (0)			
	(1)	(2)	(3)	(4)
<i>Co-partisan comm. chair</i>	.333*** (.009)			
<i>Coalition comm. chair</i>		1.056*** ( $<.001$ )	1.139*** ( $<.001$ )	1.110*** ( $<.001$ )
<i>Multiple referrals</i>	.603*** ( $<.001$ )	.623*** ( $<.001$ )	.631*** ( $<.001$ )	.631*** ( $<.001$ )
<i>Hacienda referral</i>	1.403*** ( $<.001$ )	1.324*** ( $<.001$ )	1.304*** ( $<.001$ )	1.308*** ( $<.001$ )
<i>Pres. approval</i>	-.015 (.837)	-.041 (.567)	.029 (.710)	.005 (.945)
<i>Introduced in Senate</i>	-.747*** ( $<.001$ )	-.733*** ( $<.001$ )	-.784*** ( $<.001$ )	-.771*** ( $<.001$ )
<i>Senate majority</i>	-.303 (.136)	-.382* (.057)		
<i>Year remaining</i>	.028 (.627)	.020 (.737)	.001 (.983)	.002 (.974)
<i>(Year remaining)<sup>2</sup></i>	-.242*** ( $<.001$ )	-.259*** ( $<.001$ )	-.275*** ( $<.001$ )	-.273*** ( $<.001$ )
<i>Relax deadlines</i>	.647** (.012)	.591** (.018)		
Intercept	-.743*** (.002)	-1.465*** ( $<.001$ )	-1.977*** ( $<.001$ )	-1.627*** ( $<.001$ )
Effects	none	none	fixed	mixed
Observations	1,461	1,461	1,461	1,461
LogL	-864	-860	-849	-857
% correct	90	90	90	90

\*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.

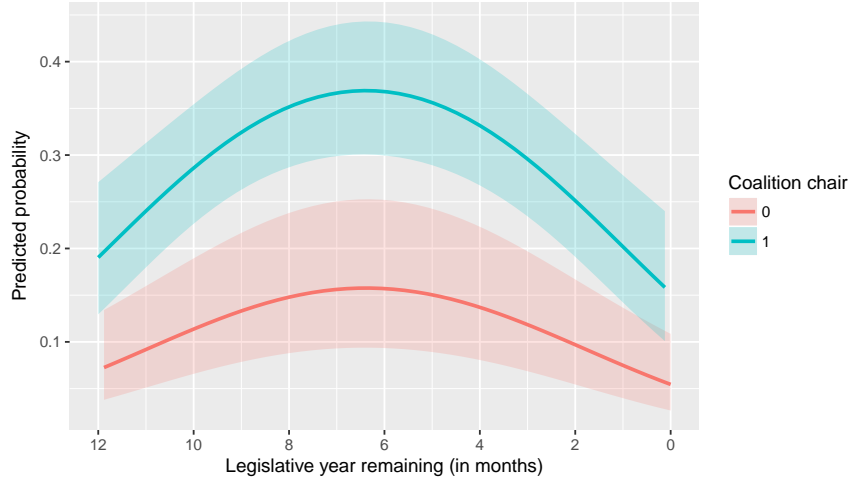


a .23 hike (and a .06 standard error) in the likelihood of getting a closed rule in the floor compared to a report by an opposition-chaired committee. The effect is nearly as big as the average marginal effects of *Hacienda referral* (.26), and double that of *Multiple referrals* (.12), two regressors with substantive effects. We find 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 member but, with the exception of the 1998 to 2000 period, never by a co-partisan of the president. This may explain the milder effect of the partisan specification of our key variable in model 1.

Another control worth highlighting is *Introd. in Senate*. Bills successfully passing the upper chamber first, where the opposition was systematically larger and at times in con-

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



trol were, other things constant, much less likely to get urgent status (the average marginal effect is  $-.16$  and significant). Future research should pay attention to inter-cameral negotiation, in general, and the reliance on urgency in the upper chamber, in particular. In any event, our results indicate that agreements and compromises reached to in the Senate required less, not more, protection from floor amendments in the Cámara's plenary.

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 sent to the Cámara in the 2010–14 Legislature and referred to Hacienda and just one standing committee. The president's approval (insignificant across models) is set to the median value in the period. The inverted-U shape shows how urgency probability, predicted at .2 for coalition-chaired committees at the start, and .075 for the rest, becomes much likelier in the first half of the legislative year. By the second quarter (June–August), the probability is at its maximum, about .37 percent and .16, respectively. It then experiences a sharp drop, ending the austral Summer break at .16 for coalition-chaired committees, and .05 for others. And the gap between the 95-percent confidence bands of the predictions is quite plain, giving confidence



that we are picking up a signal and not just random noise.

## **6 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.

## 7 Appendix

### 7.1 Dichotomous variables

Variable	Def	=0	=1	Total
<i>Urgent bill</i> (Dep. Var.)		780	681	1,461
		.534	.466	1
<i>Co-partisan comm. chair</i>		827	634	1,461
		.566	.434	1
<i>Coalition comm. chair</i>		99	1,362	1,461
		.068	.932	1
<i>Multiple referrals</i>		1,092	369	1,461
		.747	.253	1
<i>Hacienda referral</i>		730	731	1,461
		.500	.500	1
<i>Introduced in Senate</i>		1,218	243	1,461
		.834	.166	1
<i>Senate majority</i>		506	955	1,461
		.346	.654	1
<i>Relax deadlines</i>		1,094	367	1,461
		.749	.251	1
<i>2002–2006</i>		1,061	400	1,461
		.726	.274	1
<i>2006–2010</i>		1,069	392	1,461
		.732	.268	1
<i>2010–2014</i>		1,064	397	1,461
		.728	.272	1

### 7.2 Continuous variables

Var.	Def.	Min.	Q1	Med.	Mean	Q3	Max.	sd
<i>Year remaining</i>		0	27	51	51.7	75	100	27.1
<i>Pres. approval</i>		-39.2	-8	10.7	9.6	22.3	66.3	24.2

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

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

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

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

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

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

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

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