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Presidential Power, Legislative Rules, and Lawmaking in Chile

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Under Chile's constitutional structure, the executive branch has a prominent role in the lawmaking process. A strong executive characterized the constitution of 1925, and subsequent constitutional reforms (eight between 1943 and 1971) further reinforced presidential authority. Written in 1980 under the tutelage of Augusto Pinochet's military government, the current constitution has remained in place through the return to democracy. Major reforms were undertaken in 1989, before the democratically elected government took power, and again in 2005.

The 1980 constitution established a regime type that has struck many scholars as severely biased in favor of the executive branch. It has been called, for instance, "reinforced presidentialism" (Cea 1992), "super-presidentialism" (Shugart and Carey 1992: 129), "exaggerated presidentialism" (Siavelis 2000), and "ultra-presidentialism" (Godoy 2003). The president is typically portrayed as the foremost proponent of major legislation (Londregan 2000; Alemán and Navia 2009). Several institutional prerogatives have allowed presidents to pursue an active role as proponents of major legislation.¹ Less noted, however, is how the distribution of positions inside Congress has severely constrained presidential decision-making. There is also scant scholarship on the institutions that structure the bill-to-law process within the legislature.

In this chapter we analyze the distribution of legislative agenda setting power in Chile. We specify which institutions are actually at the heart of the president's legislative authority, and how agenda setting power is distributed inside the Chilean Congress. As noted in the introduction to this book, the impact of agenda setting depends not only on a series of institutional capabilities, but also on the positions of legislative actors. We discuss how the distribution of partisan positions during the *Concertación* era (1990–2010) constrained institutionally powerful presidents. Lastly, we present an empirical analysis of some of the implications of our argument about legislative agenda setting, with particular attention to the passage of major bills.

Our analysis confirms the conventional wisdom that presidents propose most major bills, and shows that presidential bills are more likely to pass and travel faster to enactment than congressional bills. But the analysis also shows that presidential bills are regularly subject to amendments before becoming law. Presidents are deeply engaged in protecting their bills and bargaining with legislative actors throughout the amendment process. We also show the importance of last-stage institutions—conference committees and presidential vetoes—in improving the positions of committees and the executive. Lastly, we show that the implications of agenda control in Congress are also reflected in voting behavior. We examine individual roll rates in roll call votes in the Chamber of Deputies, controlled by the governing coalition, and the Senate, then tied between the opposition and the government coalition. The analysis shows significant differences between chambers, reflecting the presence and absence of a majority capturing agenda setting offices.

The rest of this chapter is divided into four parts. The first part discusses the institutional features that allocate rights over the legislative agenda. The second part concentrates on the positions of major legislative players in the period following the transition to democracy. The third part examines the empirical record, while the fourth one concludes.

AGENDA SETTING INSTITUTIONS

The constitutional organization of Chile is characterized by three institutional veto players—the president, the Chamber of Deputies, and the Senate—alongside a Constitutional Tribunal.² Each of them is endowed with veto power. The president can be overridden in matters of law when both chambers muster the two-thirds majority required for overcoming a presidential bloc veto. Similarly, a president with the support of two-thirds of one chamber can override the other chamber in matters of law. Neither scenario, where one institutional veto player is bypassed by the two others, has actually taken place since the return to democracy in 1990. The distribution of partisan seats has made this an unlikely event.

In stark contrast to the US model of presidentialism, Chile's institutional structure provides broad agenda setting powers to the president. The right to introduce a bill or an amendment can affect the options ultimately considered by the plenary, but only as long as the proposals can reach such stage in the

legislative process. Who controls consideration of bills—scheduling power—is also crucial. Within Congress, agenda power is centralized in leadership posts controlled by the chamber’s majority. These offices exercise control over the flow of legislation. Congressional committees are also powerful within their own jurisdiction. Neither permanent committees nor the congressional leadership, however, can prevent the president from compelling Congress to attend a bill. In the next two sections we describe the formal allocation of agenda power.

Presidential Prerogatives

Constitutional provisions give the president various tools to influence the passage of bills and a high degree of control over economic policy-making. While the institutional framework allocates several powers to the executive branch, three prerogatives stand out in matters of agenda control: (i) wide authority over tax and spend legislation; (ii) extensive amendment rights, including the right to introduce amendatory observations to vetoed bills; and (iii) authority to force the scheduling of bills for plenary debate. Together, these prerogatives make the president the most prominent agenda setter.

On almost all legislation dealing with government expenditures and tax matters, the executive is the constitutional first-mover and can preserve the status quo by keeping the gates closed. The constitution gives the president the exclusive right to introduce bills that establish or modify taxes, public salaries, public services, administrative functions, collective bargaining, pensions, and social security. Likewise, the president alone can introduce bills or amendments that demand government expenditures. While the president is required to initiate the budget bill every year, Congress is restricted in the types of changes it can introduce, and the default outcome if Congress does not approve the budget is the president’s original proposal. Congress cannot increase or diminish the estimates of revenue included in the budget bill and can only introduce changes that reduce expenditures, except those established by permanent law (Baldez and Carey 1999).

It must also be emphasized that this authority over money bills and related amendments provides the president with a useful bargaining tool. For instance, every individual or partisan actor seeking to push forward a bill or amendment with spending attached to it needs to negotiate to get the explicit support of the executive branch. Moreover, once the executive chooses to introduce an amendment in an area where it has exclusive jurisdiction, it is often a take-it-or-leave-it proposal; legislators are restricted with the type of

counter-amendments they could offer (i.e., only those reducing/redirecting spending). The president's right to introduce amendments to legislation being debated in Congress extends beyond "tax-and-spend" bills to other areas of policy. Presidents tend to use amendments to fight fire with fire as well as to solidify consensual bargains. The former may occur, for instance, when the president disagrees with parts of the bill as reported by the committee or when amendments introduced by legislators appear likely to pass a floor vote and make the president worse off. Unlike individual amendments, which must be pre-filed and discussed by the committee with jurisdiction over the bill, those introduced by the president are sometimes brought directly to the floor. These amendments must also be germane to the bill in question.

Amendment powers are reinforced by the frequent participation of members of the executive branch (ministers and others) in committee deliberations. The members of the cabinet have the constitutional right to participate in congressional sessions where they enjoy speaking privileges. Cabinet members also have the obligation to appear when Congress demands it. In practice, some of the most substantive interaction between ministers and legislators occurs during the committee deliberation phase, before a bill is reported to the floor for final passage. One would be hard pressed to find a relevant executive bill that passed Congress without repeated visits from members of the executive branch to a committee or a minister participating in floor deliberations.

After Congress passes a bill, the Chilean president has another key agenda setting tool. In addition to the typical block veto, which allows the president to reject the entire bill and Congress to override with a qualified majority of two-thirds of members, the president has the constitutional right to introduce take-it-or-leave-it amendments last.³ This prerogative enables presidents to respond to unwanted policy changes with an alternative proposal, making it a much more effective tool than the block veto, which can only be used to protect the status quo (Tsebelis and Alemán 2005). The counter-proposal ("observations") presented by the president can be accepted or rejected by a simple majority, but a qualified majority of two-thirds in each chamber is needed to insist on the original version of the bill. If the president's amendments to the bill are not accepted and Congress cannot override the veto, then the bill, excluding the sections altered by the president, is the default outcome.

The president can also affect the congressional schedule by using motions of urgency, which compel Congress to act within a short period of time. Presidents can attach three types of urgencies to bills: *immediate* imposes a three-day deadline; *suma* a ten-day deadline; and *simple* a thirty-day deadline. Urgencies are used to force a choice in the face of contentious disagreement, as well as to speed up the approval of more consensual or already-negotiated bills. Presidents can also withdraw and renew these urgencies, and they often

do it when congressional leaders signal that more time is needed to reach an agreement.⁴ *Suma* or *immediate* urgency requests identify those proposals prioritized by the government (Alemán and Navia 2009). Executive urgencies influence passage rates. In a prior work, we have shown that executive bills prioritized by the government through urgency procedures are significantly more likely to become law (Alemán and Navia 2009). Executive bills with *simple* urgency requests are not necessarily more likely to pass than bills without an urgency motion but they are more likely to be reported by the committee with jurisdiction in the chamber of origin. Any type of executive motion of urgency increases the odds of approval of bills initiated by legislators.

To sum up, the contemporary institutional setting grants the Chilean president broad rights over the legislative agenda. These prerogatives include being the monopoly agenda setter on money bills, as well as having the opportunity to be the last-mover on every bill. These prerogatives, coupled with the rights to influence the timing of bills through the urgency process and to introduce ordinary amendments (fighting fire with fire or cementing broad consensus), provide the Chilean president with sufficient agenda setting power to become the most prominent actor in lawmaking.

Some features of this institutional structure were already in place before the military coup of 1973, such as the ability to introduce urgency motions and amendments, including observations to vetoed bills. Presidential authority over spending legislation had been established in the 1925 constitution and tightened with the constitutional amendment of 1943 (Article 45), which restrained Congress from adding appropriations to executive bills, creating new public services, or setting wages in the public sector.⁵ The president, however, had less control over tax bills, and legislators were still allowed to initiate private laws providing pensions and other individual favors, which they did habitually. Also relevant for the particularistic achievements of legislators was the use of omnibus legislation, *leyes misceláneas*.⁶ But these practices ended with a constitutional reform in 1970.

Agenda Setting in Congress

Inside the Chilean Congress, two sets of offices possess agenda setting power: the leadership committees (chamber and partisan), which control bill scheduling, plenary time, and committee assignments; and permanent committees, which have substantial influence over the amending process and the opportunity to make take-it-or-leave-it proposals to the plenary at the conference stage.

The congressional leadership has power over resources sought out by legislators: plenary time and assignment to coveted committees. It can facilitate or obstruct legislators' proposals and career advancement. In the Chamber of Deputies, the majority-elected directorate, called *Mesa*, has the authority to fast-track bills to the plenary floor under a procedure (*tabla de fácil despacho*) that severely curtails debate, avoids the normally required second committee report, and forces an immediate vote on the bill and any related amendments.⁷ The *Mesa* crafts the daily schedule (*orden del día*) after consultation with the leaders of the legislative party blocs (*Jefes de Comités Parlamentarios*). This party leadership group shares with the *Mesa* the power to bring consensual proposals to the plenary floor through another fast-track procedure (*tabla de despacho inmediato*).⁸ In the Senate, the chamber's president is the only actor formally responsible for crafting the daily schedule, but leaders of the legislative party blocs have the right to alter it by scheduling matters to be attended at a future date. The president of the Senate has the power to fast-track bills to the plenary floor in a manner similar to the lower chamber's *Mesa*.

Legislators care about their committee assignment. They provide an opportunity to influence policy and advance their constituents' interests. Committee chairmanships are coveted positions, and membership in the most sought out committees is considered to be quite prestigious. The distribution of seats inside permanent committees must follow the respective party shares in the chamber, but the lower chamber's *Mesa* and the upper chamber's president have the power to decide over individual assignments in their respective chambers. Recommended committee assignments are considered approved by the chamber unless the proposal is challenged to a no-debate majority vote in the plenary floor. While most legislators retain their membership in one of the two committees to which they were originally assigned, it is common for legislators to switch assignments at least once. After the initial distribution of legislators into committees, every petition to reassign a legislator to a different committee has to be supported by the leader of the legislator's party bloc.

Party leaders also have influence over the distribution of end-of-day speaking time (*incidentes*), which is allotted to parties according to their share of chamber seats. This time is rather valuable to legislators because it gives them the opportunity to promote their constituents' interests from the plenary floor. It is a visible platform for position taking. Legislators use it, for example, to speak in favor of a local cause, advance a chamber resolution, demand governmental action, or pay tribute. In general, the issues addressed reflect local rather than national policy matters. It is not a platform to debate bills, but it is still an important one for electorally motivated legislators.

Permanent committees have substantial authority over narrow policy jurisdictions.⁹ They most often have to report bills submitted to them, but still

have substantial *positive* power to affect the content of legislation. Bills can be forced out of committee by the executive, through an urgency request, and by the chamber's authorities, through its agenda privileges. Individual legislators in the Chamber of Deputies can force a bill out of committee if a motion passes with majority support, while in the Senate a bill must be debated within sixty days, if two of the five members of a committee demand it. Despite the inability to kill bills by refusing to report them, committee members have the institutional tools to protect bargains reached inside the committee from unraveling after a bill is reported to the floor.

In Chile, all amendments must be sent to the permanent committees with jurisdiction over the bill before the plenary debate for final passage (*discusión en particular*) takes place. This strict pre-filing requirement forces legislators to reveal any intended changes, giving the committee the chance to decide whether to respond to the amendment with a counter-amendment of its own (i.e., fighting fire with fire). Legislators whose amendments were rejected during committee deliberations can request a floor vote when the bill is debated for final passage, but only if they gather enough endorsements from other legislators (two party bloc leaders in the lower chamber and ten senators in the upper chamber).¹⁰

Perhaps the most important source of agenda setting power for members of permanent committees stems from their participation in conference committees (*comisiones mixtas*). Conference committees are established with the purpose of resolving bicameral differences on legislation.¹¹ The conference committees have an equal number of deputies and senators and decide by majority rule. Only members of the committee with original jurisdiction over the bill can be assigned to conference committees: the Senate's delegation is made up of all committee members, while the delegation from the Chamber of Deputies is usually composed of one-third of the committee members (selected by the *Mesa*).

Conference committees have the power to make a take-it-or-leave-it proposal to both chambers of Congress. Moreover, conferees have the discretion to alter all parts of the bill with germane amendments, including matters formerly agreed upon by both chambers.¹² So, even if proposals are modified in ways unwanted by the committee, their members often have another chance at the bill in the conference process. While conference committees must report the bill (i.e., they lack ex-post veto), they have significant proposal power at the concluding stage of the legislative process. The conference stage gives Congress an opportunity to improve its bargaining position vis-à-vis a strong executive. For example, Alemán and Pachón (2008) examine the possible interactions between conference committees and the executive. Through a series of spatial examples they show that despite the wide veto and

amendment capabilities of the executive, there is still the possibility for conference committees to anticipate such actions, and strategically select a response. So, conference committees make last proposals considering not only the preferences of legislators in each chamber, but also the potential executive responses that may follow. In the end, the committee can search for an alternative that would pass under closed rules and would not generate a subsequent amendment (*observation*) by the president.

To summarize, inside the Chilean Congress the offices endowed with significant agenda setting power include the directorate (lower chamber *Mesa* and Senate president), the leadership committee made up of party bloc chiefs (*líderes de comités*), as well as permanent and conference committees. The first two exercise general control over the flow of legislative proposals to the plenary floor, while the latter control the flow within their respective jurisdictions. These agenda setters can delay and even exclude bills from reaching the floor, but they cannot do it against the wishes of the executive. Committees are endowed primarily with positive agenda setting power over their assigned policy areas. The possibility to fight off unwanted amendments with their own counter-proposals and the right to have a second go at a bill during the conference stage make up the basis of committee power. However, committees are not independent of the party leadership that controls their composition. Their membership (and the membership of conference committees in the lower chamber) is selected by those same offices that enjoy scheduling power. Individual legislators need the support of the leaders of their legislative parties to get good committee assignments, have access to speaking time in the plenary floor, and have an opportunity to see their proposals and amendments considered amid the significant time constraints that characterize all national congresses.

PARTISAN POSITIONS AND PRESIDENTIAL SUPPORT

The ability to exercise control over the legislative agenda depends not only on the formal procedures discussed previously, but also on the position of relevant legislative actors. In Chile, party fragmentation has prevented any one party from gaining a majority of seats in both chambers of Congress. Since the early 1960s, the number of parties represented in the Chilean Congress has varied between seven and eleven in the Chamber of Deputies and between four and seven in the Senate. The transition to democracy gave way to two stable competing alliances: the center-left *Concertación* and a center-right *Alianza* (it

has changed names several times). The competing coalitions were originally formed towards the end of the military regime with the goal of winning the 1988 plebiscite, which asked voters whether they approved another eight years of military rule.

Since the return to democracy, the two coalitions have won almost all seats to both chambers of Congress. The first four presidents elected after the end of military rule were members of the *Concertación* coalition—Patricio Aylwin (1990–4), Eduardo Frei Ruiz-Tagle (1994–2000), Ricardo Lagos (2000–6), and Michelle Bachelet (2006–10). This center-left coalition included the Christian Democratic Party (DC), the Socialist Party (PS), the Party for Democracy (PPD), and the smaller Radical Social-Democratic Party (PRSD), while the center-right opposition included the National Renewal Party (RN) and the Independent Democratic Union (UDI). In 2010, the *Concertación* lost the executive to the center-right coalition, making Sebastián Piñera (RN) the first conservative president since the early 1960s. In 2014, the *Concertación*, allied with the Communist Party under a new coalition (named *Nueva Mayoría*), returned to the presidency.

Concertación presidents enjoyed a slight majority of seats in the Chamber of Deputies until Michelle Bachelet's presidency, when a few defections made the governing coalition lose its majority. In the Senate, however, the *Concertación* was in the minority until 1998, when it tied with the opposition. During this time, non-elected senators (including former military officers from the dictatorship era) strengthened the bargaining power of the center-right coalition. The constitutional reform of 2005 got rid of the non-elected senators and in the subsequent election the *Concertación* won a slight majority of Senate seats. However, a series of defections during the 2006–10 period cut short their hard-won majority status. President Sebastián Piñera (2010–14), who won the executive for the center-right coalition for the first time since 1990, was elected without a majority of seats in either chamber.

The lack of unified government has not been the only incentive governments have to negotiate with the opposition. Special super-majority requirements, codified in the constitution, have also promoted consensus building on many substantive policy areas. For instance, laws that interpret constitutional provisions (*interpretativas*) require the support of three-fifths of each chamber's members, laws that complement the constitution (*orgánicas*) require four-sevenths, and others that legislate on any matter mentioned in the constitution require an absolute majority. The distribution of seats and super-majority requirements meant that the government coalition had to negotiate with the opposition. Even when slim majorities were needed, the government had to reach out to at least a few opposition legislators. If the opposition voted together, it could veto *Concertación* proposals.

Analyses of the contemporary Congress tend to agree about the ideological ranking of legislative parties. Within the center-left *Concertación*, the PS is further to the left of the PPD, which is itself positioned to the left of the more moderate DC. Inside the center-right *Alianza*, the RN is consistently ranked as more moderate than the UDI. In terms of legislative behavior, analyses of roll call votes have shown that parties are disciplined, competition is bipolar, and coalitions act in a unified manner in roll call votes (Carey 2002; Alemán and Saiegh 2007).¹³ Presidents have always been rather moderate, arguably closer to the center of the ideological left-to-right spectrum than the average legislator of their coalition.

Political parties exert significant influence over the careers of individual legislators. Chileans vote in an open list, selecting individual candidates rather than parties, but which two candidates end up being on the ballot is the result of bargaining among coalition party leaders. In order to be on the ballot, aspirants first need to receive their party nomination, and then they need their party to successfully bargain with other coalition members to secure a place in the two-member list for the given district. Parties want to nominate candidates that can win and thus, aspirants need to show they are strong in that district. However, strength—measured as potential electoral support or financial resources to run a campaign—is a requirement, not a guarantee for a party and coalition nomination. Party leaders hold significant power in deciding which candidates and which districts they will defend as they bargain with other parties over the list of coalition candidates in the sixty districts for the Chamber of Deputies and nineteen districts for the Senate. Aspirants are expected to have exhibited party loyalty.

Parties also exert significant control over incumbent legislators. Incumbents have relatively high name recognition and can sometimes build a personal vote base. Two out of three incumbents usually win re-election (Navia 2008). Because the main competition is within lists—not between lists—candidates have to run against other candidates from like-minded political parties. As more than 90 percent of the districts are equally split between the *Concertación* and *Alianza* coalitions, to secure their seats, incumbents normally want to prevent their own coalitions from nominating strong challengers in their districts. Thus, electorally motivated incumbents seeking to prevent challenges at the next election also have incentives to avoid antagonizing the party leadership during the legislative sessions. Parties are more likely to defend disciplined legislators and cede districts of unruly legislators when they bargain with other coalition members over the formation of the list of candidates for the next election. Politicians do have the potential to run as independents in their districts—occasionally some do and even a few incumbents whose parties cede their districts in negotiations with other coalition members run as

independents. However, since votes are tallied by party lists, independents—who cannot run on lists—need to get a higher vote share to secure a seat. The threshold to run as an independent is not excessively high—petitions legally signed by a number higher than 0.5 percent of voters in the last election in that district. Most incumbents can easily meet the requirements. However, getting elected as an independent is much more difficult. Less than 3 percent of all legislators elected since 1989 have run as independents.

Despite all this, unity has not always been perfect. In the first few years after the transition to democracy, party discipline was strongest. In recent years, signs that party attachments are weakening among voters—the percentage of Chileans who identify with political parties has fallen from a high of 75 percent in the early 1990s to a low of about 40 percent by 2010—may have lowered incentives to act in a disciplined manner. In addition, right-wing Chilean politicians are typically less committed to enforcing party discipline, partly a reflection of their history of discrediting political parties during the Pinochet administration. An ongoing debate among the right over the role of parties, the tensions between party discipline, and the use of conscience votes (i.e., *free* votes) reflects right-wing politicians' view that party discipline belongs to class-based parties and not parties that promote individual freedom and reject class warfare (Allamand 1999; Huneeus 2001; Angell 2003; Correa Sutil 2005; Allamand and Cubillos 2010).

In the 2005 election, tensions within the *Alianza* coalition led to a division between the UDI and RN in the presidential election. Though the *Alianza* had a single list of legislative candidates, it ran with two presidential candidates. Since legislative slates are not required to be associated with a presidential candidate, both RN and UDI had their own presidential candidates. Former presidential candidate Joaquín Lavín, a UDI leader who narrowly lost the 1999 election, and businessman and former senator Sebastián Piñera, an admittedly moderate RN leader, faced each other in the first round of the election, turning that contest into a sort of an informal *Alianza* primary. Piñera won more votes than Lavín and went on to lose against *Concertación's* Bachelet in the run-off for the presidency. Yet, Piñera secured the leadership position in the *Alianza*, which allowed him to run unopposed in the *Alianza* presidential ticket in 2009, when he defeated the *Concertación* candidate in a run-off election, putting an end to twenty years of center-left government.

During the Bachelet administration (2006–10), there were more party defections by legislators than in all the previous sixteen years of democratic rule. Three senators (in the thirty-eight-member chamber) resigned from their parties, two from *Concertación* parties and another from an *Alianza* party. In addition, five deputies resigned from the Christian Democratic Party more than a year before the end of the Bachelet administration to form a new

centrist party, the Regionalista Party (PRI). In the last year of the Bachelet administration, an additional group of one senator and three deputies resigned from *Concertación* parties to join other groups or run as independents. The defections observed during the Bachelet administration have been associated with the electoral implications associated with the fall in party identification among Chilean voters (Morales and Navia 2010).

In conclusion, despite being endowed with significant institutional powers, Chilean presidents have been constrained by legislative players. The lack of unified government and super-majority requirements to change various policies has meant that presidents needed to rely on more than just the support of their own coalition partners. Party leaders have significant influence over legislators: they can facilitate the advancement of their policy proposals, provide them with precious speaking time, and reward them with prestigious positions. Additionally, party leaders can be a powerful force, furthering or hindering legislators' political careers. While unity within the governing coalition helps the president, unity within the opposition means that presidents are less likely to be able to rely on a few dissident legislators to consistently reach working legislative majorities. Overall, presidents operate in a constrained environment, pressured not only to rally consensus among various partners but also to reach out to non-coalition members with ideologically distinct positions.

PATTERNS OF LAWMAKING

This section examines some of the implications derived from the institutional and positional context described before. We address four aspects of agenda control: (i) the proposal power of presidents; (ii) the amendment process without unified government; (iii) the usage of presidential vetoes and conference committees; and (iv) voting behavior in the plenary.

Are presidents the chief lawmakers in Chile? The discussion of institutional prerogatives highlights the central place given to the executive in terms of initiating legislative proposals and being able to compel Congress to discuss such bills. Given the president's right to be the first mover on several substantive areas of policy, the extensive technical resources of the executive branch, and the electoral motivations to advance a governmental policy program, we expect major policy proposals to be more likely to originate in the executive than in Congress. Anecdotal evidence suggests that the executive is the chief proposer of major legislation, despite the fact that most bills introduced

originate with members of Congress. This preponderant role for the executive in bill initiation is commonplace in parliamentary democracies, but not in the US Congress. Given the president's right to influence the legislative agenda by compelling attention to particular bills, we also expect major executive bills to travel to enactment faster than congressional bills.

These expectations may be seen as highly favorable to the executive, yet we have underlined the positional constraints within which Chilean presidents had to operate. Opposition actors should be particularly empowered in a context of minority government, which reduces the executive's control over the legislative agenda. As we noted before, every administration in the period 1990–2013 has had to reach out to congressional players outside the governing coalition to win legislative passage of their bills. Super-majority requirements for several important proposals have made cross-coalition bargaining necessary. In addition, the level of uncertainty surrounding the passage of most bills has not been trivial—not fewer than six parties in two chambers and at least a few senators and deputies opened to the possibility of crossing the coalition divide have complicated legislative bargaining. As a result, we expect presidential bills to receive frequent congressional amendments—some friendly and others not—and eventually incorporate a number of them before enactment. Given differences in the composition and control of each chamber, we also expect bicameral disputes on major bills to occur often. Conference committees should be formed frequently to address major bills.

The ability to make the last proposal before final congressional passage and the fact that such proposals cannot be amended any further by legislators provide substantial agenda power to conference committees. Coming at the end of the process, conferees are also likely to have better information about the preferences of pivotal actors in both chambers and the president than during committee deliberations. Legislators confronting this take-it-or-leave-it bill have to ask themselves whether they prefer the conference committee proposal to the status quo, and whether the president is likely to veto the bill in any manner. But conferees should have anticipated the latter possibility too.

Presidents are also advantaged by their last-stage agenda power. When vetoing a bill, Chilean presidents have several options. They can veto the entire bill, delete parts of it, or introduce new germane amendments in the form of observations (i.e., additions or modifications). One of the main implications from the work of Alemán and Tsebelis (2005) on agenda setting in Latin America is that these amendatory observations provide presidents much more leeway to favorably influence bill outcomes than absolute (bloc) vetoes. When presidents decide to veto a bill, we expect them to opt for the former mechanism.

Lastly, we address floor voting behavior. We have argued that the governing coalition has substantial positive agenda setting power to influence the content of bills faced by legislators. The governing coalition also has gatekeeping power over several areas of policy; either through the president's exclusive initiation rights or through the leadership's influence over committees and calendars. The relatively high level of party unity, particularly in the lower chamber, also makes the effort of trying to force into the calendar bills unwanted by most members of the majority coalition a rather costly position-taking strategy.

The consequences of agenda control should be manifested in floor voting behavior. For the cartel model, developed by Cox and McCubbins (2002) with the US Congress in mind, the unconditional veto power in the hands of the leadership of the majority party should be evident in roll call votes: the majority party should never be "rolled." That is, we should not observe bills passing that are opposed by the majority of the majority party. Given the agenda setting powers held by the *Concertación* coalition, and the incentives legislators of the government coalition had to remain loyal to the party, we should not see instances where the majority coalition is rolled. The absence of majority coalition roll rates is what Alemán (2006) showed using final passage votes from the 1997–2000 period.

The implications of agenda control should also be manifested in the voting records of individuals. In the Chamber of Deputies, where the government coalition controlled the offices with agenda setting power, individual roll rates for legislators from the government coalition should be significantly lower than those of legislators from the opposition. Deputies from *Concertación* should not be likely to oppose items scheduled for a vote. The expectations for the Senate, however, are different. Because neither coalition could monopolize the offices with agenda setting power, individual roll rates should reflect ideological positions rather than coalition differences. So, legislators from moderate parties within each coalition should be rolled less often than legislators from more ideologically extreme parties. We examine empirically these two hypotheses:

H1. In the Chamber of Deputies, legislators belonging to the Concertación should be significantly less likely to end on the Nay side of votes receiving a majority of Yea votes than legislators from the Alianza.

H2. In the Senate, ideology should have a greater effect than coalition affiliation in determining who ends on the Nay side of votes receiving a majority of Yea votes.

In the next section we examine a dataset that includes a sample of "major bills," as well as the entire record of bills introduced between 1990 and early 2006. The set of major bills was collected in the following manner: any

legislative proposal mentioned on the front-page of the newspaper *El Mercurio* at some point during the first year of an administration was considered a major bill and included in the dataset. We look at three periods, each associated with the first year of the democratic administrations that governed Chile between 1990 and early 2006: Aylwin (March 1990 to March 1991), Frei Ruiz-Tagle (March 1994 to March 1995), and Lagos (March 2000 to March 2001). We found a total of 163 major legislative proposals mentioned on the front page over the three periods. This includes executive initiatives as well as congressional initiatives. Of those proposals, 157 were actually introduced as bills in Congress. Some of these proposals were introduced right away, while others were introduced later in the president's term.¹⁴ A few bills become front-page news—major bills given our criteria—several years after being introduced.

In addition, we present information from the entire record of bills introduced between March 1990 and March 2006, which was collected from congressional sources.¹⁵ The analysis of roll call votes centers on the 2002–6 period for the lower Chamber and on the 2004–6 period for the Senate. The latter data were compiled from information made available by the Chilean Congress on its website.

The Chief Proposer

The number of major bills initiated by the executive (E) and members of Congress (C), together with the number of major bills passed, appear in Figure 4.1. Figure 4.2 shows the total number of bills initiated between 1990 and 2005.¹⁶ The first figure lends support to the notion that in Chile major policy proposals originate mostly in the executive branch. While the gap seems to be narrowing over time, in these three cases presidents greatly outperform legislators.

Among this sample of major bills, we find several landmark laws. Some of those initiated by President Aylwin include proposals for major political and administrative decentralization, abolishing the death penalty, extending press freedoms, reforming labor laws, and shortening the presidential mandate. Major initiatives introduced by President Eduardo Frei include new regulations for private healthcare providers, a new banking bill, an education bill dealing with school subsidies and teacher rules, a penal reform, and a new sports bill. Examples from President Lagos' set of major bills include a reform to compulsory military service, a series of transportations bills, a new unemployment insurance benefit, campaign finance reform, and a bill introducing new financial regulations targeting tax evasion and taxing capital gains.

Power, Rules, and Lawmaking in Chile

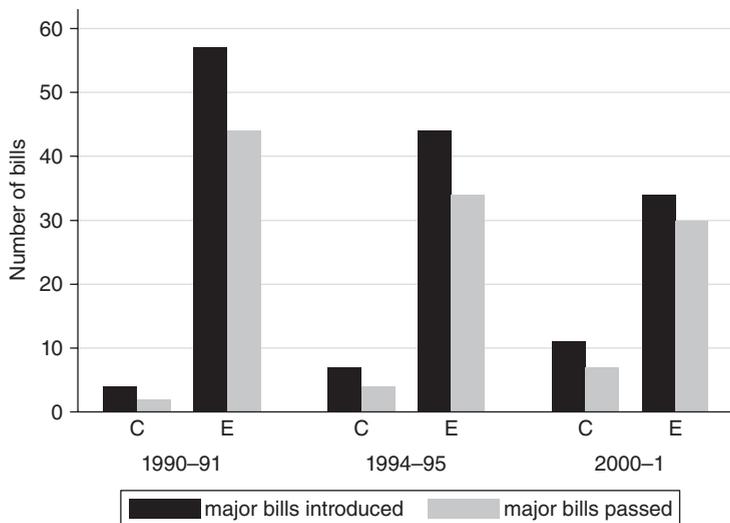


Figure 4.1 Bill introduction in Chile, major bills introduced and passed

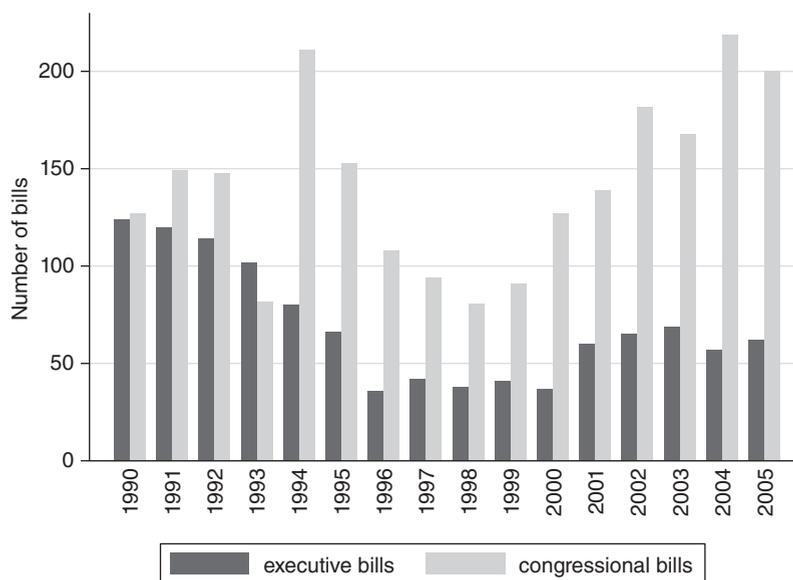


Figure 4.2 Bill introduction in Chile, all bills introduced, 1990-2005

Two initiatives—the budget bill and the bill setting the salaries of state employees—were introduced by all three presidents. Members of Congress are less prominent as proposers of major legislation, yet some significant laws also originate with legislators. For example, in our sample of major bills we find the legalization of divorce, an organ transplant bill, anti-tobacco regulations, HIV prevention, and penalties for domestic violence originating in Congress.

While the executive introduces most major bills, members of Congress introduce most bills overall. The numbers for the 1990–2005 period appear in Figure 4.2. They illustrate how during the first four years after the transition there was some parity in the number of bills introduced by Congress and the president, but beginning in 1994 the congressional share has been much greater. Approval rates have hovered around 15 percent for congressional bills and around 75 percent for executive bills. Since 1994, bills initiated by members of Congress make up about one-third of all bills passed.

As expected, presidents frequently used urgency motions to push major bills forward. When considering only those major executive initiatives that became law, we find that the executive attached some form of urgency motion to 72 percent of successful major bills, and the most severe forms of urgencies (*suma* or *immediate*) to around half of them. The incidence of urgency motions among major executive bills is greater than that reported for all bills (Alemán and Navia 2009). Urgencies were also used, although at a lower frequency, with several of the major bills introduced by members of Congress.¹⁷ When we look at major bills that were passed very promptly—in less than 100 days—we find only executive initiated bills. All of these bills received urgency motions, and the vast majority of the most severe form.¹⁸ The median time of passage for a major bill introduced by a *Concertación* president was just over seven months if the bill had a *suma* or *immediate* urgency motion attached to it and around sixteen months if it did not. Figure 4.3 shows the time (days) associated with the passage of bills according to the author: the current president, a former president, and a member of Congress.

Executive initiatives enjoyed a much faster ride to passage. The median time until passage for major bills enacted into law was close to seven months for those introduced by a recently elected executive, and nearly forty-six months for those introduced by a former president (which meant that they become front-page proposals in the next term). In the case of major bills initiated by members of Congress, the median time until passage was close to sixty-two months, which is more than the four-year term deputies are elected to serve. With regard to all bills passed, the median time for executive-initiated bills was ten months, while the median time for congressional-initiated bills was two years.

To sum up, most major bills originate in the executive branch, which confirms the conventional wisdom on this matter. Less noted, however, is

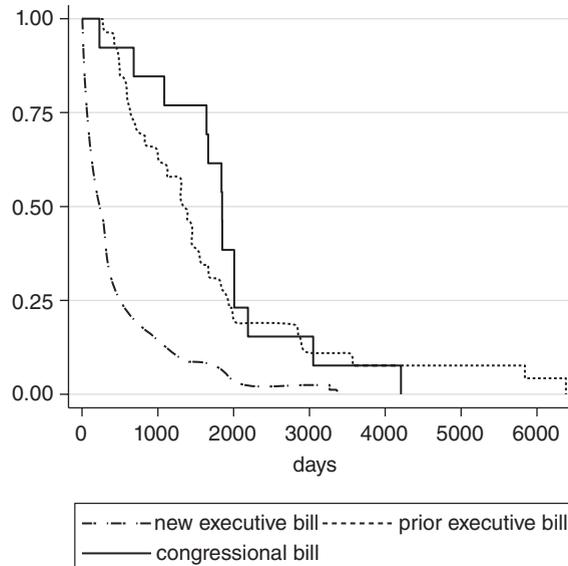


Figure 4.3 Time until enactment, major bills passed—Kaplan-Meier survivor function

that such executive bills are most often helped by agenda setting tools that force them onto the congressional calendar. Presidents regularly apply urgency motions to navigate major bills towards enactment, making full use of their right over plenary time. As expected, laws (major or otherwise) that originate in the executive branch travel towards enactment faster than laws introduced by legislators.

Amending Bills: Constraints of Minority Presidents

We have argued that in Chile, the opposition coalition could block governmental proposals. On constitutional matters this was evident early on. The *Alianza* blocked the passage of several constitutional reforms, as well as more than twenty *Concertación* initiated bills to reform the electoral system. Those constitutional reforms that succeeded ended up including substantive opposition amendments. Take the case of the constitutional reform on regional and local administration, enacted at the end of 1991 (Law 19,097). The successful bill, deemed by President Aylwin the most important proposal of the entire twentieth century on the subject of the territorial administration of Chile, was introduced in the opposition-dominated Senate seven months after this chamber had explicitly rejected his prior bill on the subject.¹⁹ In its final form,

the bill included substantive amendments on electoral procedures and administrative organization that were sought out by the opposition parties.

The cross-partisan support behind President Lagos' major initiatives also illustrates the need to incorporate the preferences of opposition senators. Fourteen of his sixteen major bills that became law had unanimous or near-unanimous support, while one other faced opposition by an eclectic group of senators from both coalitions.²⁰ In the end, only one of Lagos' major bills confronted a divided (*general*) vote in the Senate: the tax evasion bill. This bill received the support of only *Concertación* senators, but it passed nonetheless because RN senators facilitated passage by deciding to abstain, and few UDI senators showed up to vote against it.

The cross-partisan support built behind President Lagos' major initiatives is indicative of the positional constraints faced by *Concertación* presidents following the transition to democracy. Looking at the details of the bills passed, we observe that most were amended in substantive ways. In our examination we found only a small group of initiatives that passed without substantive changes introduced in Congress: three of the sixteen major bills President Lagos initiated passed without any amendments at all, and one other was only superficially amended. Three bills were in areas where the executive had monopoly proposal power and the other was a very short (one-page) human rights proposal negotiated with the opposition before being introduced and supported by all parties.²¹

The Senate, where the *Concertación* government lacked a majority, could always reject government proposals. The opposition coalition in the Chamber of Deputies could also veto proposals when special majorities were required. This happened, for example, in January 2001 when the government's campaign finance reform bill, pushed forward by a series of executive motions of urgency, was defeated in the floor of the Chamber of Deputies because supporters could not reach the super-majority required for passage (four-sevenths of the membership). While major bills introduced by the president generally receive the support of the parties making up the presidential coalition, this is not the case for every bill. For example, the bill readjusting the salary of public employees sent by President Lagos to Congress at the end of November 2000 ended up passing the Senate with the support of a floor alliance of some government and some opposition legislators, despite the opposition of a few disgruntled Christian Democratic senators who broke ranks.

Examining the details of bills also allows us to appreciate the deep involvement of the executive in the amendment process. In all major bills we observe members of the executive participating in committee deliberations, and very often participating in floor debates. Ministers are prominent actors on the plenary floor, defending bills and arguing against unwanted amendments.

It is also remarkable that the executive often introduces amendments to its own bills, seeking to negotiate its way to approval. Most major bills introduced by the executive are subsequently subject to executive amendments. Sometimes these amendments are proposed to satisfy demands from the opposition or from government legislators, and sometimes to fight off modifications introduced or likely to be accepted by the committee with jurisdiction over the bill. President Lagos, for instance, sent amendments modifying sixteen of the nineteen major bills he introduced. These took place while the bills were in the committee deliberation stage.

The involvement of members of the executive branch on the amending process and the veto player status of the opposition can both be grasped in the speech given by Minister of the Interior José Miguel Insulza (later OAS chief) on the floor of the Chamber of Deputies, as the government bill on campaign finance reform was going down in flames because of a lack of sufficient support:

This is not a bill where the will of the majority was imposed without respect for the opinion of the minority. On the contrary, among the articles [of the bill] that did not meet the required quorum—because the minority refused to vote—there are some that they requested. Among them, it is worth mentioning those related to the conduct of public services during the electoral period and those having to do with limits on advertisement. [...] There are articles where the executive introduced amendments precisely because of requests from deputies from the opposition—not from the government or from *Concertación* [deputies]—which were approved by unanimity in committee. Even to this day, the executive was willing to introduce amendments at the request of members of the opposition; none from *Concertación*. Consequently, it has become clear that [the opposition] has no intention to set any limits to campaign spending.²²

In summary, major bills initiated by the executive are subject to substantive amendments before being enacted into law. We do not find a shred of evidence of a rubber-stamping Congress at play. Despite the executive's strong formal powers, congressional actors regularly force policy changes on executive bills. As expected, presidents use their agenda power to protect bills during the amending process. They habitually offer amendments of their own and send members of the executive branch to participate in committee deliberations.

Conference Committees and Amendatory Vetoes

Permanent committees are prominent players in crafting major legislation, and often exercise their influence through the conference process. Bicameral incongruence fosters the formation of conference committees. Disagreement between chambers appears to be more prevalent with more salient bills. In our

sample, of those major bills that became law, 46 percent went through a conference committee. When we look at all bills introduced between 1990 and 2005 that eventually became law, we find that close to 14 percent of those initiated by the executive and just over 23 percent of those initiated by legislators went to a conference committee.

Aware of their crucial importance in the lawmaking process, parties seek to staff conference committees with fellow partisans and allies. Alemán and Pachón (2008) have shown that in Chile's Chamber of Deputies, the majority coalition always has a majority of the five conference committee delegates. In the Senate all five committee members go to conference; while some permanent committees had a majority from the government coalition, others had an opposition majority.

Both chambers of Congress most often approve the legislative proposals of conference committees. This is shown in Figure 4.4, which illustrates the fate of the conference committee proposals related to major bills, by period examined. In all but one of the cases, the conference committee presented one take-it-or-leave-it proposal. In one other case, it decided to divide the vote into two (and lost one). In most instances the proposals advanced by conference committees are passed by wide margins, which implies support from members of both coalitions. Occasionally, however, conference committee proposals are defeated.

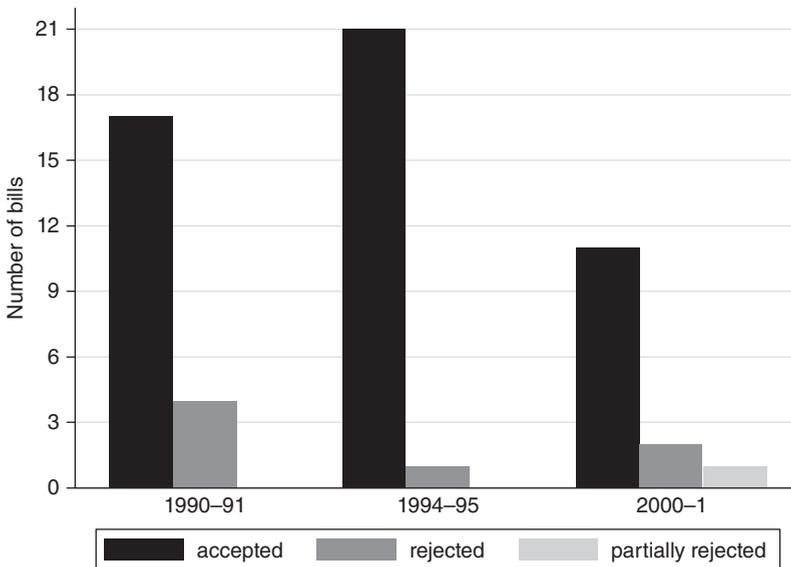


Figure 4.4 Major bills in conference committee

Regarding the seven conference committee reports that did not pass, the events surrounding them illuminate this last stage in the lawmaking process. On only one occasion was the conference committee called to resolve a bill dispute after one chamber, the Senate, had completely rejected it. The calling of a conference committee in such an instance is in the constitution, although in practice it occurs infrequently. After one chamber completely rejects a bill, the success of a conference committee proposal on that matter is unlikely (Alemán and Pachón 2008). In this particular case, the conference committee proposal was very close: it won half of the Senate votes. In the other six cases, conference committees were called to resolve differences between two versions of a bill. In all of these instances, qualified majorities were required for passage. Conference committees almost won on two occasions, when their proposals gathered a majority of Yea votes but failed to reach the super-majority required by the constitution. On two occasions, proposals were rejected unanimously by the lower chamber, and in the other two there were divided votes.²³ Lastly, it is important to note that in four of the conference committee proposals that were rejected, the executive intervened with an amendatory veto primarily to resolve the inter-chamber dispute.

Overall, the record shows that vetoes issued by the president were always of the amendatory type, never absolute vetoes. The total number of major bills in our sample that received amendatory observations is twenty-two (about 19 percent of those passed). All of these proposals became law, and the executive was able to make improvements in each one of them. In fifteen of these cases, all of the executive amendatory observations were approved by Congress, and in the other seven cases there was partial approval.

In short, bicameral differences often prompt the formation of conference committees, and this occurs more frequently with more salient bills. When presidents decide to veto a bill passed by Congress, they always prefer to respond with amendatory observations, rather than with a bloc veto. Both conference committees and presidents exhibit a high degree of success in getting their take-it-or-leave-it proposals to become law. By utilizing these agenda setting instruments, they are able to affect the proposals faced by Congress in a manner that makes policy outcomes more acceptable to them.

Voting Behavior

Lastly, we examine some of the implications of agenda control for roll call votes. First, we review coalition roll rates in the Chamber of Deputies. Next, we move on to focus on individual votes in both the Chamber of Deputies and the

Senate, where we expect to observe differences in terms of who wins and who loses as a result of who controls the congressional agenda.

Coalition roll rates in the Chamber of Deputies

We begin calculating roll rates for each coalition in the Chamber of Deputies between March 2002 and March 2006. If the floor agenda is in the hands of the chamber's majority coalition, as we argue, then we should observe no bills passing that are opposed by the majority of the *Concertación* coalition. In Chile, as in most Latin American countries, a general vote in support of passage is taken before discussing and voting the particular sections of the bill and related amendments. After voting on the details of the bill there is no final vote on the bill as a whole as amended by the floor. As a result, there are many "final-passage" votes on each bill: first, the general vote on the bill, and then usually various votes on parts (e.g., articles) of the bill and related amendments.²⁴ In the United States, for example, there is a final vote on the bill as a whole after the amending process, which is used to calculate roll rates. Thus, to calculate coalition roll rates in Chile's Chamber of Deputies we begin with more encompassing categories.

We examine all 2,145 roll call votes where Yeas were greater than Nays plus Abstention. In regard to the minority coalition, the number of votes with more *Alianza* deputies voting against than in favor or abstaining is 327, which is 15.4 percent of the total. The number of Yea votes that have more *Concertación* deputies voting against than in favor or abstaining is sixty-five, which is 3.1 percent of the total. Prima facie, these results do not differ much from those found for majority and minority parties in the US House of Representatives. Cox and McCubbins (2005) shows that roll rates in the presence of a majority party tend to be around 5 percent. However, further examination reveals that even these majority coalition defeats are not actually examples of the final-passage rolls as characterized in the literature on the US Congress. Eight of those votes did not meet required qualified thresholds and ultimately failed to pass, and twenty-six votes related to declarations or other types of motions, not actual bills. The rest of the votes, thirty-one in total, were amendments to small parts of bills that a majority of voting *Concertación* deputies had supported on the plenary floor.

This means that the number of bills that passed the Chamber of Deputies against the wishes of a majority of the majority coalition is zero—the only majority coalition rolls that took place between March 2002 and March 2006 were related to small amendments to welcomed bills. Such a result, we believe, confirms the view that the majority coalition has sufficient agenda control to block passage of bills disliked by the majority of its members.

Individual roll rates

To further evaluate the implications of agenda control for floor decisions, we move on to examine individual roll rates in both the Chamber of Deputies and in the Senate—where the competing coalitions were tied. We hypothesized a different distribution of individual roll rates given the different position of agenda setters: in the lower chamber, where agenda setting offices were in the hands of parties in the government coalition, opposition legislators should be on the losing side significantly more often, while in the split Senate where neither coalition fully controlled the agenda, the ideological moderates of both coalitions should be the advantaged ones. The dataset from the Senate covers fewer years (August 2004 to March 2006) and has fewer roll call votes (249 where Yea votes are more than Nay votes plus Abstentions) than the one from the lower chamber. The results, grouped by party, appear in Figure 4.5. The top panel (a) shows the results for the Chamber of Deputies, while the lower panel (b) shows the results for the Senate.

In the Chamber of Deputies, members of the government coalition were significantly less likely to be rolled than members of the opposition. *Concertación* deputies were rolled on average 9 percent of the time, while *Alianza* deputies were rolled on average 36 percent of the time. Differences within coalitions are illuminating. Inside the opposition, deputies from RN were less likely to be rolled than deputies from UDI or independent deputies affiliated with the *Alianza*—their roll rates were about 11 percent lower than those of their right-wing partners. Within the government coalition, there were no differences between the roll rates of DC, PPD, and PRSD deputies. Socialist (PS) deputies had roll rates that were on average slightly higher (close to 3 percent) than those of PPD and DC deputies. However, those leftist deputies in the Socialist Party were significantly less likely to be rolled than the right-wing deputies in UDI (average roll rates are lower by 28 percentage points) or the right-wing independents associated with the *Alianza* coalition.

In the Senate, there is no significant difference between the individual roll rates of government senators and those of opposition senators. On average senators were rolled in 19 percent of instances. When we look at the partisan affiliation of senators, we find no statistically significant difference between the average individual roll rates of Christian Democrats (DC) and those of members of the opposition parties (RN or UDI), even though the latter have slightly higher averages. Socialist senators (PS) and the appointed “institutional” senators on the far right (INSTA) had similar rates, which were significantly higher than those of other senators (by about seven percentage points).

Overall, the results lend support to our expectations. While the average roll rate for deputies (19 percent) is very similar to the average roll rate for senators

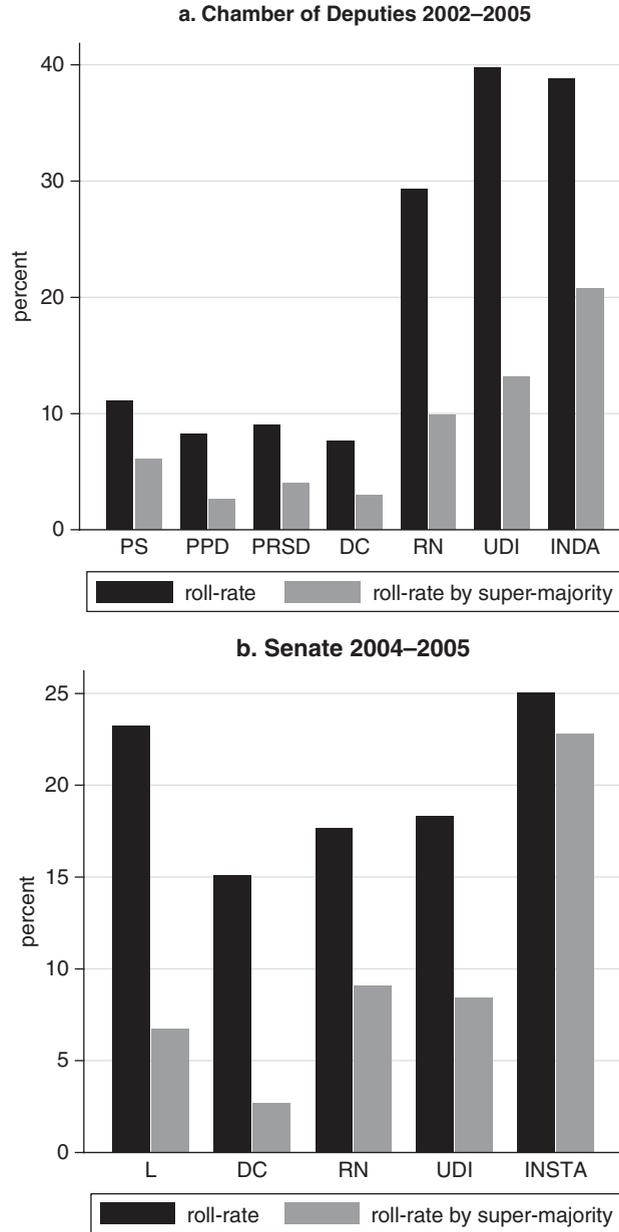


Figure 4.5 Chile, individual roll rates by party

(a) Chamber of Deputies, 2002–2005

(b) Senate, 2004–2005

(22 percent), the pattern of winners and losers is different. In the lower chamber, deputies from the government coalition have reaped the benefits of controlling the offices with agenda setting power. In the Senate, however, the lack of agenda control has led to similar results across coalitions, with extremists as the main losers within each coalition.

It is also illuminating to focus on non-unanimous lopsided votes because they reflect who loses in cross-coalitional arrangements. If, instead of focusing on Nay votes where a majority voted Yea, we focus only on those where a qualified majority of more than four-sevenths of the membership voted Yea, the results for the Chamber of Deputies are maintained (with lower overall rates). In Figure 4.5, the average individual roll rate by super-majority for each partisan group is captured by the gray bars. In the Senate, however, there is no significant difference between the individual super-majority roll rates of leftist Senators (L) and those of other parties. The more habitual losers in these cases were the appointed senators on the far right. Christian Democrat (DC) senators, positioned closer to the center, were significantly better off, on average, than legislators from the right-wing coalition.

Looking at the revealed ideal point of legislators sheds further light on our last few propositions. To this end, we run a series of regression analyses where the dependent variable measures individual roll rates and the main independent variables measure the distance between the legislator and the median of the government coalition, as well as the distance between the legislator and the median of the chamber. Our measures of distance come from bill co-authorship data. To get ideal points we use the procedure advanced in Alemán et al. (2009), which specifically focuses on deriving revealed preferences from bill co-sponsorship matrices. Given that individual roll rates are derived from roll call votes, the use of co-authorship data gives us a source to derive legislators' positions without relying on floor voting behavior. The actual measure is the first dimension (normalized to fall between -1 and 1) after running principal components (with singular value decomposition) on the agreement matrix derived from co-authorship data. The overall fit and correlation between this measure and conventional assessments of ideological positioning is higher for the Chamber of Deputies than for the Senate, but in both cases the measure picks up clear differences between coalitions and across partisan groups. The regressions also include controls for tenure (i.e., *freshmen*), and membership in the chamber's directorate (i.e., *Mesa*). The results appear in Table 4.1.

The results show that in the Chamber of Deputies as distance to the median of the government coalition increases so does the roll rate. While the predicted individual roll rate is 6.5 percent for a legislator positioned at the median of the government coalition, it is 43.8 percent for a legislator positioned at the

Table 4.1 Distance and individual roll-rates, OLS

	Chamber of Deputies				Senate			
	indiv. roll rates		super-majority		indiv. roll rates		super-majority	
	#1	#2	#3	#4	#5	#6	#7	#8
Distance to median from the government coalition	0.23***	0.31***	0.07***	0.09***	-0.03	-0.14	0.05	-0.19
	0.01	0.03	0.01	0.02	0.03	0.13	0.04	0.17
Distance to median legislator	~	-0.12***	~	-0.03	~	0.12	~	0.27
		0.04		0.02		0.13		0.17
Freshmen	-0.03**	-0.03*	-0.01	-0.01	0.02	0.03	-0.04	-0.03
	0.01	0.01	0.01	0.01	0.03	0.03	0.04	0.04
Chamber's Directorate	-0.06***	-0.05***	-0.01	-0.01	0.01	0.02	-0.06	-0.04
	0.02	0.02	0.01	0.01	0.04	0.04	0.06	0.06
Constant	0.11***	0.13***	0.04***	0.05***	0.20***	0.19***	0.07***	0.06***
	0.01	0.01	0.01	0.01	0.02	0.02	0.02	0.02
R ²	0.79	0.80	0.46	0.47	0.03	0.04	0.05	0.10
Observations	121	121	121	121	49	49	49	49

median of the opposition coalition. The results also show that members of the *Mesa* and deputies in their first term are less likely to be rolled. If, instead of using the individual roll rates with a majority cut-off as the dependent variable, we use those super-majority rolls previously mentioned, the significant effect of distance to the median legislator of the government is maintained. The model for the Chamber of Deputies has a very good fit, explaining most of the variance in the data. The regressions for the Senate data, however, have a very poor fit, and none of the independent variables is statistically significant.

In short, this section has shown that the implications of agenda control in the Chilean Congress are reflected in the voting behavior of its members. Differences in results between the Chamber of Deputies and the Senate are the consequence of differences regarding who controls the offices with agenda setting power. Majority control in the lower chamber leads to significant advantages for legislators in the center-left coalition, while in the split Senate there are no significant differences between the two coalitions, and those with slightly higher roll rates are leftist senators from the government coalition and appointed senators on the right-wing opposition.

CONCLUSION

This chapter has examined several aspect of agenda control inside the Chilean Congress. We have specified the institutional foundation of presidential agenda setting authority, and underlined the distribution of agenda setting power inside Congress. The institutional framework portrayed a president endowed with significant negative and positive agenda setting power, which reflects a model of constitutional presidentialism substantively different from the one associated with the United States.

In addition to delineating the institutional distribution of power, we have argued that presidents operated with serious positional constraints due mainly to the lack of unified government and super-majority requirements for changes on several substantive policy areas. This had policy consequences: most major presidential bills passed with substantive amendments incorporated during committee deliberations. The amendment process, seldom discussed by the Chilean legislative literature, is highly consequential for the content of bills. Agenda setters need to be engaged. As we have shown, presidents, as well as permanent congressional committees, can mitigate unwanted changes to desired bills towards the end of the legislative process, at the conference and veto stages. Lastly, we presented the first comparison of legislators' voting records in the lower and upper chambers of Chile, and demonstrated that control over the offices with agenda setting power impacts who wins and who loses.

In conclusion, understanding legislative agenda setting helps to explain patterns of lawmaking. This chapter contributed to the understanding of agenda setting authority in Latin American presidential democracies. Specifically, we examined Chile to determine how formal prerogatives interact with positional constraints. Our results complement prior legislative works, illuminate the implications of legislative institutions, and provide new evidence that underlines both the lawmaking consequences of agenda control and the positional constraints with which agenda setters have to operate. The active legislative role of presidents and the peculiarities of agenda control in Chile illustrate the important and consequential institutional variations that exist within presidential systems.

NOTES

1. Available evidence also shows that Chilean presidents are generally successful at seeing their initiatives become law (Alemán and Navia 2009; Saiegh 2011).
2. The Tribunal can only address constitutional issues and cannot be overridden by the president or Congress.
3. These must be germane to the bill in question.
4. A vote compelled by an executive urgency request may not necessarily be the final passage vote, but it is intended to move the bill forward.
5. As conservative senator Francisco Bulnes noted, some of the limitations established by the reform of 1943 were also circumvented by still allowing congressional initiatives to set wages in the private sector, which in turn had the effect of forcing readjustments in the public sector (cited in Brahm García et al., 2002: 180).
6. The lack of clear germaneness rules for amending bills gave legislators the ability to transform executive initiatives into more complex bills addressing a variety of matters sought by legislators.
7. A majority vote in the plenary, called by a leader of a party bloc, can remove an item from this *tabla de pronto despacho*. The *Mesa* with the unanimity of the leaders of party blocs, can also fast-track bills under a process called *tabla de despacho inmediato*.
8. Unanimity of the leaders of party blocs is required for such a fast-track scheduled to be applied.
9. Among all the permanent committees, the Public Finances committees (*Hacienda*) of each chamber stand out. Not only must all tax-and-spend bills be directed to the Public Finances committees, but any other bill that has some financial implication also must be referred there.
10. Committees can still protect their own positions by making appropriate counter-proposals when needed.
11. In Chile conference committees (*comisiones mixtas*) are formed under two different circumstances: one is after the chamber of origin rejects the amendments introduced by the revising chamber (constitutional Article 68) and the other is after a revising chamber rejects a bill approved by the chamber of origin (Article 67). In the period prior to the military government, conference committees played a less relevant role in policy-making, partly because the constitutional rules in place were different. Under the 1925 constitution, the formation of conference committee was optional and the shuttling of bills between chambers could go on for more rounds than under the (contemporary) 1980 constitution.
12. Moreover, no formal procedure exists to force conference committees to address particular indications from the parent chambers (as is the case in the US Congress).
13. Evidence from final passage votes has also shown that in the Chamber of Deputies the *Concertación* is never “rolled,” that is, bills always passed with the support of most members of the coalition (Alemán 2006).

14. In very few cases (4 percent) there are major proposals advanced publicly by the executive that were never actually introduced as bills.
15. For the post-1989 period, data are available electronically from the website of the Chilean Congress. For the earlier period we collected data from several yearly records from the *Diario de Sesiones* and the related *Historia de La Ley*, available at the Library of Congress in Santiago, Chile.
16. The dataset starts in March 1990 and goes until February 2006, when the congressional period ended.
17. Around 62 percent received some form of urgency and 31 percent received either *suma* or *immediate* urgencies.
18. The budget bills under Frei and Alwyn were also passed promptly but under a timetable where the default is the president's bill—they were not declared urgent by the executive.
19. See the transcripts from the debate in the *Diario de Sesiones del Senado*, August 7, 1991, p. 9.
20. This refers to the initial vote in the *general* phase.
21. Two of the financial bills were also very short (one was just half a page, and the other two pages long).
22. Speech given on January 16, 2001 (*Diario de Sesiones*, p. 20).
23. It is worthwhile to note that the eight failures in terms of conference committee reports of major bills occurred in the Chamber of Deputies.
24. The voting process usually includes the “general” and “particular” phases, but on occasions, usually when there are no amendments offered, the general and particular vote can be taken together.